

FEDERAL - STATE ELECTION LAW SURVEY:  
AN ANALYSIS OF STATE LEGISLATION,  
FEDERAL LEGISLATION AND JUDICIAL DECISIONS

PREPARED FOR  
THE OFFICE OF FEDERAL ELECTIONS OF THE GENERAL ACCOUNTING  
OFFICE  
BY  
AMERICAN LAW DIVISION OF THE CONGRESSIONAL RESEARCH  
SERVICE, LIBRARY OF CONGRESS  
IN COOPERATION WITH THE FEDERAL ELECTION COMMISSION

FOURTH ISSUE, Issued May 1, 1975

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## FOREWORD

The Federal-State Election Law Survey is a project sponsored by the Office of Federal Elections of the General Accounting Office and produced by the American Law Division of the Congressional Research Service of the Library of Congress. The Federal-State Election Law Survey comprises major election legislation, both Federal and state, and analyses of various Supreme Court, Federal, and state cases involving election matters. Each month beginning with February 1, a cumulative publication will be issued, a final cumulative edition will be issued in January.

The principal purpose of the Federal-State Election Law Survey is to furnish in the form of a brief analysis the essential provisions of state election laws and important court decisions in the election law field. In regard to federal legislation, the Election Law Survey will provide a brief summary of pending public bills and resolutions dealing with election laws and include more detailed analyses of those bills that have had action. From time to time certain memoranda, reports, and studies in the election law field will be included. It is hoped that these publications will give readers sufficient information concerning what other States, the Federal Government, and the court systems are doing in the election area.

The editors rely on the accuracy, the promptness, and the completeness of the State Legislative Reporting Service of Commerce Clearing House for copies of all state election laws. Unavoidably, there will be a time lapse between the enactment of some laws and their publication in the Election Law Survey. Such laws will appear in a later issue. Should more information be desired by the reader, it might be necessary to contact the state legislature, congressional office, or court involved to get a complete version of the law, bill, or decision. The object of this publication is to give as much quantity, quality, and detail as time and space permit.

Each issue of the Federal-State Election Law survey encompasses the following sections:

Section I. State Session Laws--This section contains summaries of election laws recently enacted by the States. Under each state heading, the Senate bills and resolutions, that have become laws, are listed first followed by the House bills and resolutions; the bills and resolutions are listed in numerical order. After each bill number, there are listed a chapter number--if given--and the date on which the bill was approved and enacted into law.



Section II. Federal Legislation--This section is devoted to an analysis of Federal legislation introduced in Congress and of any action which Congress has taken on such legislation. The bills and resolutions are listed serially and briefly summarized. The major sponsor and the date of introduction follow, along with the Committee to which the measure is referred and any further action taken on it.

Section III. Judicial Decisions--This section has three parts, a part dealing with analyses of U.S. Supreme Court cases dealing with election matters, a part concerning Federal lower court decisions, and a part concerning state court decisions. The analyses gives a brief statement of the holding of the case and analyzes the rationale and the issues involved in the decision including, where appropriate, important concurring and dissenting opinions.

Section IV. Other Election Material--This section includes certain memoranda, reports, and studies in the election field. There are also included analyses of certain State Attorney General opinions concerning election law matters.

Index. All entries relating to legislation and court decisions are indexed.

Preparation of the Federal-State Election Law Survey is the responsibility of the American Law Division of the Congressional Research Service, Library of Congress under contract with the Office of Federal Elections of the General Accounting Office and under the Supervision of Gary L. Greenhalgh, Chief of the Clearing House on Election Administration. Thomas M. Durbin, Patricia Ann Fiori, and Rita A. Reimer are the Editors. Gloria P. Sugars is the Research Production Assistant. Lester S. Jayson, Director of the Congressional Research Service, Joseph E. Ross, Chief of the American Law Division, and Elizabeth Yadlosky, Assistant Chief, serve as Supervising Editors.

## TABLE OF ABBREVIATIONS

AB-----	Assembly Bill (State)
ACA-----	Assembly Constitutional Amendment (State)
AR-----	Assembly Resolution (State)
C. A. -----	Court of Appeals
Com. -----	Committee
D. -----	District Court
F. 2d-----	Federal Reporter, Second Series
F. Supp.-----	Federal Supplement
HB-----	House Bill (State)
HCR-----	House Concurrent Resolution (State)
H. Con. Res.-----	House Concurrent Resolution (Federal)
HF-----	House File (State)
HJR-----	House Joint Resolution (State)
H. J. Res. -----	House Joint Resolution (Federal)
H. Rept. -----	House Report (Federal)
HR-----	House Resolution (State)
H. R. -----	House of Representatives Bill (Federal)
H. Res. -----	House Resolution (Federal)
LB-----	Legislative Bill (State)
L. W. -----	Law Week
S. -----	Senate Bill (Federal)
SB-----	Senate Bill (State)
SF-----	Senate File (State)
SCR -----	Senate Concurrent Resolution (State)
S. Con. Res. -----	Senate Concurrent Resolution (Federal)

TABLE OF ABBREVIATIONS CONT'D

SJR-----	Senate Joint Resolution (State)
S. J. Res. -----	Senate Joint Resolution (Federal)
S. Rept. -----	Senate Report (Federal)
SR -----	Senate Resolution (State)
S. Res. -----	Senate Resolution (Federal)
Subcom. -----	Subcommittee
U. S. (in citation to court decisions)-	United States Supreme Court Reports
U. S. C. -----	United States Code
Wn. 2d-- -----	Washington Reporter, Second Series

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## HIGHLIGHTS OF MAJOR ELECTION LEGISLATION

### STATE LEGISLATION

<u>Bill Number</u>	<u>Title or Description</u>	<u>Approved</u>	<u>Act/Chap. No.</u>
Arkansas SB 350	Campaign Financing and Reporting	3/19/75	Act 469
Idaho HB 260	Election Campaign Fund	3/26/75	
Idaho HB 275	Recall Elections	3/26/75	
Utah HB 135	Election Campaign Fund	3/13/75	
Utah HB 218	Lobbying Regulation	3/24/75	
Virginia SB 644	Campaign Financing/ Misc.	3/22/75	Chapter 515
Wyoming HB 477A	Campaing Financing/ Msc.	3/11/75	Chapter 185

## SECTION I - STATE SESSION LAWS

### ALABAMA

SB 9-XX, Chapter 2, Adopted 3/7/75

Proposes an amendment to the Alabama Constitution providing for and regulating the length of annual and special sessions of the Legislature. If approved, regular sessions of the Legislature would be held annually on the first Tuesday in May, or as set by law, and limited to 30 legislative days and 105 calendar days. Special sessions would be limited to 12 legislative days and 30 calendar days.

### ALASKA

SB 89, Chapter 2, Approved 2/7/75

States that a public official who was appointed after December 10, 1974, and before April 1, 1975, must file the financial interest statement required by §39.50.150 of the Alaska Statutes before April 1, 1975. Makes the Act retroactive to December 11, 1974.

### ARKANSAS

SB 115, Act 6, Approved 1/30/75

States that each signature on a petition calling for an election to change the form of government of a municipality in order to be valid must have been signed within 180 days prior to the filing of the petition. Amends §19-111 of the Arkansas Statutes.

SB 128, Act 269, Approved 2/25/75

States that no mayor of a city of the first class having a mayor council form of government shall be elected except by a majority vote of the qualified electors, except in those cities having a city manager form of government or a city administrator. Provides for a special election after the general election where no candidate for such office receives a majority vote.



## STATE SESSION LAWS

### ARKANSAS CONT'D

SB 350, Act 469, Approved 3/19/75

Enacts various provisions relating to campaign financing and reporting requirements.

Contributions Limitations (Amounts): Prohibits any person from making or accepting campaign contributions in excess of \$1,000 per election, except a candidate to himself from his own funds. Permits this amount to be contributed or received separately in each primary, run-off primary, special or general election.

Contributions Limitations (Who Is Covered): Defines "person" for this purpose to include any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert. Also includes organized political parties, except in general elections.

Reporting Requirements: Requires each state candidate or person acting in his behalf receiving contributions in excess of \$250 per election from any person, including the candidate, to report such contributions to the Secretary of State and the Clerk in the county in which the candidate resides not less than 25 days prior to any election (current as of 30 days prior to the election); and not less than 7 days prior to any election (current as of 10 days prior to the election). Requires candidates for school district, township, municipal or county office, or persons acting in their behalf, to report contributions in excess of \$100 per election to the County Clerk in the county in which the election is held not less than 7 days prior to the election (current as of 10 days prior to the election). Requires a final report in all instances to be filed no later than 30 days after the election. Requires supplemental reports listing contributions received after that date to be filed within 30 days after each reportable contribution is received.

Contents of Reports (Contributions): Requires interim reports to list the name and address of each person who has made a contribution in excess of \$100, the contributor's principal place of business and employer and/or occupation, and the amount contributed. Requires the final report to state the total amount of contributions and list by contributor, including the candidate, all contributions in excess of \$100 aggregate.

## STATE SESSION LAWS

### ARKANSAS CONT'D

Reports of Expenditures: Requires at the time the final report of contributions is filed, a list of all expenditures by categories, including but not limited to television, radio, print and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment and telephone, including the names of all paid campaign workers and the amount such workers were paid. Requires supplemental reports to disclose any subsequent expenditures after the compilation date of the final report.

Availability of Reports: States that information given in the contributions and expenditures reports constitutes a public record, available within 24 hours of the reporting deadline to all interested persons and the news media.

Prohibitions: Prohibits cash contributions in excess of \$50 (all contributions or expenditures, other than in-kind, must be made by written instrument containing the name of the donor and the name of the payee), contributions not made directly to a candidate or his campaign committee, contributions under a fictitious name, or anonymous contributions in excess of \$50. Prohibits any person from knowingly or wilfully making or receiving contributions of less than \$100 which in the total exceed \$100 for the purpose of avoiding reporting disclosure requirements.

SB 458, Act 411, Approved 3/17/75

States that county, municipal, and school district officials shall file their code of ethics statements with the county clerk of the county, instead of with the Secretary of State. Amends §12-3007 of the Arkansas Statutes.

HB 107, Act 20, Approved 1/31/75

Sets forth procedures for holding a presidential preference primary on the same date as the regular primary election. States that on the first ballot of the National Convention of a party holding such a primary, the votes of the Arkansas delegates shall be cast for the various prospective nominees in the same proportion as they received in the presidential preference primary.

## STATE SESSION LAWS

### ARKANSAS CONT'D

HB 423, Act 358, Approved 3/10/75

Relates to the arrangement of names on the ballot label for voting machines in general and special elections. States that the names of all candidates for the same office or position shall be listed in vertical lines with the names of the nominees of each political party and all independent candidates grouped together on separate horizontal lines, with the candidates for each office listed vertically under the office they are seeking, so that the voters can readily identify the party identity or independent status of the candidates for the respective offices. Amends §3-1209 of the Arkansas Statutes.

### COLORADO

HB 1038, Approved 2/27/75

Amends §49-21-50 of the Colorado Revised Statutes relating to anonymous statements concerning candidates. States that various types of political literature must include an attribution clause which is clearly set apart from the text and identifies the sponsor(s) of the statements. Expands the coverage to include those who cause such statements to be distributed.

### GEORGIA

HB 142, Act 9, Approved 2/20/75

Sets up a system of procedures to permit the recall of members of the Douglas County Board of Commissioners.

### IDAHO

HB 53, Approved 3/28/75

Requires each candidate for the state House of Representatives when filing for that office to indicate whom he wishes to succeed

## STATE SESSION LAWS

### IDAHO CONT'D

in office (i. e., the incumbent, the retiring incumbent, or himself). Adds §34-614A to the Idaho Code.

#### HB 149, Approved 3/21/75

Permits a city council to designate a polling place outside the precinct if no suitable polling place can be found within the precinct. Amends §50-418 of the Idaho Code.

#### HB 182, Approved 3/18/75

Permits political parties to designate witnesses who may accompany election officials who deliver absentee ballots to those physically unable to vote at a designated polling place on election day. Amends §34-1003 of the Idaho Code.

#### HB 260, 1975 New Laws Page 295, Approved 3/26/75

Creates an Election Campaign Fund: Permits every individual whose income tax liability for any taxable year is \$1.00 or more to designate that \$1.00 be paid into the election campaign fund, either earmarked to a party of his choice, or to be placed in the general election fund. Divides the money as follows: (1) Each party receives the amount of the fund which has been designated by the contributing individuals. (2) 90% of the remainder is distributed to the central committees of the state's political parties in proportion to the number of votes cast for each party's candidate for governor in the last gubernatorial election; however, no party may receive more than 50% of this amount. (3) Any portion of this 90% which is not distributed, along with the 10% which has been reserved, is distributed in equal portions to all major, minor, and new political parties which have qualified candidates for elective state office for the ballot in the next general election. States that the distribution is to be made on the Tuesday following the first Monday of August in each even-numbered year.

#### HB 275, Approved 3/26/75

Makes various changes in §§34-1701 through 34-1713 of the Idaho Code, relating to recall elections. For example, the bill provides that the clerk of the district court may be recalled; requires recall petitions to be perfected with the required signatures within 60 (formerly 90) days; requires the number of votes cast in favor of the recall to equal or exceed the votes cast at the last general

## STATE SESSION LAWS

### IDAHO CONT'D

election for that officer; and states that the same reason cannot be the basis for a second recall during one term in office.

HB 1110, Approved 3/26/75

Provides for cancellation of registrations following any general election of those not voting for 4 (formerly 8) years. Amends §34-435 of the Idaho Code.

### INDIANA

SB 37, Approved 3/14/75

Amends various sections of Chapter 3-1 of the Indiana Code, regarding primary elections and state conventions, including the following changes:

Provides for the nomination by primary election, rather than by convention, of candidates for United States Senator, Governor, and Lieutenant Governor.

Prohibits proxy voting at state conventions. States that each convention shall consist of delegates upon the basis of one for each 400 votes, and one for each fraction of 200 votes, in every county in the state, to be apportioned among the delegate districts of the county as equitably as possible. However, states that no individual delegate district may be represented by more than 10 delegates.

### KANSAS

SB 2038, Approved 3/4/75

States that the regular terms of State Representatives and Senators shall commence on the second Monday of January of the year following election, with the Senate and House of Representatives to convene annually at 2:00 p.m. on that day. Also, Representatives shall be elected for two year terms, and Senators for four year terms. Repeals and re-enacts §25-316 of the Kansas Statutes.

## STATE SESSION LAWS

### LOUISIANA

SB 7-x, Act 18, Approved 1/28/75

Establishes uniform procedure to be used in conducting elections to authorize the issuance of bonds, the assumption of indebtedness, and the imposition or increase of taxes by subdivisions. Implements Article VI, §22 of the Louisiana Constitution of 1974.

### MAINE

HB 258, Chapter 45, Approved 3/10/75

Permits wholesalers of malt beverages and table wine to make deliveries to retail licensees on the day of holding a general election or state-wide primary. Amends Maine Revised Statutes, Title 28, §4.

### MASSACHUSETTS

HB 5324, Chapter 1, Approved 2/14/75

Revives and continues various special commissions, including those studying general election reform and public financing of elections, until the last Monday of April, 1975. Requires each such commission which was established prior to January 1, 1974, to file a special report discussing its activities with the clerk of the House of Representatives by the last Wednesday in April, 1975.

### MICHIGAN

SCR 18, Adopted 3/3/75

Reconstitutes the Joint Committee on Conflict of Interest. States that three members from each House shall serve on this committee, which shall study conflict of interest of members of the Legislature, render opinions, make interim reports, and report its findings and recommendations to the 1977 Legislature. Grants it the powers necessary to carry out these duties. [The Committee was originally authorized by Act 318 of the 1968 Public Laws,

## STATE SESSION LAWS

### MICHIGAN CONT'D

and is covered under §§15.301 through 15.310 of the Michigan Compiled Laws.]

### MINNESOTA

HB 75, Chapter 5, Approved 2/28/75

Recodifies various provisions of the Minnesota Election Code, relating to caucuses and conventions, primary elections, candidates, general elections, special elections, preparation of ballots, conduct of elections, and penalties for violations.

### MONTANA

SB 355, Chapter 205, Approved 3/31/75

Requires instruction in registration for notaries who register voters. Also deletes the requirement that deputy registrars have status as taxpayers. Amends §23-3003 of the Revised Code of Montana.

HB 397, Chapter 145, Approved 3/25/75

Extends the allowable period for applying for an absentee ballot from 45 days to 75 days before election day. Amends §23-3703 of the Revised Code of Montana.

### NEBRASKA

LB 12, 1975 New Laws Page 75, Approved 2/22/75

Proposes a constitutional amendment to be submitted to the voters of the state at the November, 1976 general election. If adopted, the regular sessions of the Legislature would be held annually commencing at 10:00 a.m. on the second Monday in December of each year and the terms of members would commence on that date. Would amend Article III, §10, of the Nebraska Constitution.

## STATE SESSION LAWS

### NEBRASKA CONT'D

LB 17, 1975 New Laws Page 71, Approved 2/22/75

Proposes an amendment to the Nebraska Constitution, to be voted on at the November, 1976 election, which would provide for line item vetoes of appropriations bills.

### NEVADA

SB 55, Chapter 60, Approved 3/10/75 [Effective, 7/1/75]

Conflict of Interest Amendment: Permits a local government governing body to purchase from a member, services and supplies in an aggregate monthly value of \$250 [formerly \$100] when not to do so would be of great inconvenience due to a lack of another local source. Amends §332.150 of the Nevada Revised Statutes.

AB 25, Approved 2/26/75

Sets the voting hours at all elections at 8:00 a.m. until 7:00 [formerly 6:00] p.m., except that in Carson City and counties where voting machines are used, the hours are 7:00 a.m. until 7:00 p.m. Amends §293.273 of the Nevada Revised Statutes.

### NEW HAMPSHIRE

SB 6, Chapter 5, Approved 1/30/75

Permits recounts required under State election laws to be conducted at any suitable state facility in the city of Concord designated by the Secretary of State. Amends §§59:95, 59:101, and 59:102 of the New Hampshire Revised Statutes.

SB 28, Chapter 1, Approved 1/22/75

Provides for a special election for the office of United States Senator to be held no sooner than 35 days and no later than 45 days after the United States Senate declares that a vacancy exists in the office of United States Senator from New Hampshire. States that the candidates at this election shall be John A. Durkin, Democrat; Louis C. Wyman, Republican; and Carmen C. Chimento, American



## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

Party. Amends the Governor's power to appoint a Senator in case of a vacancy in this office so that the appointee will serve only until the special election is held, and states that he shall not appoint any of the above three candidates to fill the vacancy. Amends §63:3 of the New Hampshire Revised Statutes for the purpose of this statute only.

### NEW JERSEY

AB 2351, Chapter 11, Approved 2/6/75

Deletes the campaign financing reporting requirements for a candidate seeking election to a public office of a school district if the amount spent or to be spent in his behalf does not in the aggregate exceed \$1,000. However, requires such candidate to "forthwith" identify to the Election Commission the source and amount(s) of any contribution(s) when the amount received from any one source in the aggregate exceeds \$100. Amends §19:44A-16 of the New Jersey Code.

SB 3011, Chapter 15, Approved 2/14/75

Amends various voting registration procedures in light of the experience gained at the November 1974 General Election. For example, deletes the requirement for evening registration hours in municipalities having fewer than 12,000 persons; limits in-school registration to the period preceding the primary election; clarifies and streamlines the voter registration form; and states that a telephone request for a mail registration form will be honored. Amends §§19:31-2 and 19:31-6 of the New Jersey Revised Statutes, and §§16 and 21 of Pub. L. 1974, c. 30. .

### NEW YORK

AB 1117, Chapter 8, Approved 2/26/75

Changes the hours for voting at special elections called by the Governor pursuant to the public officers law and certain other elections (not primary or general state elections) so that the polls open at 6 o'clock in the morning and close at nine (formerly 7) o'clock in the evening. Amends §191.2 of the New York Election Code.

## STATE SESSION LAWS

### NORTH CAROLINA

#### HB 50, Chapter 12, Ratified 2/21/75

Requires the free list of registered voters which must be furnished the chairman of each political party who requests it by each county election board to group the voters by precinct. States that the list shall be furnished as soon as practical but no later than 30 days after requested. Amends §163-66 of the North Carolina General Statutes.

#### HB 224, Chapter 50, Ratified 3/13/75

Makes numerous election offenses, such as intimidation of voters, election bribery, etc., apply to State public officers. Amends §163-278.33 of the North Carolina General Statutes.

#### HB 438, Chapter 101, Ratified 4/1/75

Provides for the election of the Mayor and Board of Commissioners of the town of Lake Lure. Amends Chapter 179 of the North Carolina Private Laws of 1927.

### NORTH DAKOTA

#### S. C. R. 4023, Approved 3/7/75

Proposes a Constitutional Amendment to be voted on by the qualified electors of the State at the September 1976 primary election. If approved, the legislative assembly would be authorized to open its sessions as late as January 11 [rather than January 8] and regular sessions of the assembly could extend up to 80 [currently 60] legislative days. Would amend §§53 and 56 and repeal §55 of the North Dakota Constitution.

### SOUTH DAKOTA

#### HB 536, Approved 3/4/75

Deletes the requirement that the person charged with the conduct of the election at each precinct assure that precinct judges and clerks have available food to sustain them. Amends §12-18-1.4 of the South Dakota Code.

## STATE SESSION LAWS

### SOUTH DAKOTA CONT'D

HB 537, Approved 2/24/75

Repeals §12-4-17 of the South Dakota Code, relating to review of lists for voter registrants without duplicate registration cards.

HB 628, Approved 3/24/75

Establishes procedures for purging the name of any voter who failed to vote at least once during the preceding four consecutive years from the registration books. Also states that space must be provided for voting on the precinct registration list whenever a registrant has voted, whether he was challenged, etc. Amends §§12-4-19 and 12-4-10 of the South Dakota Compiled Laws.

### TENNESSEE

SB 28, Approved 3/12/75

Proposes an act which would make it unlawful for any person to distribute cards, handbills, placards, or any other vote solicitation material, or to loiter about for the purpose of soliciting votes for or on behalf of any candidate or cause on the grounds of any polling place. States that the act will have no effect unless it is approved by a two-thirds vote of the Quarterly County Court of Montgomery County by July 1, 1975.

### UTAH

SB 297, Approved 3/24/75

Amends §20-6-8 of the Utah Code to provide that absentee ballots not received on election day must be clearly postmarked on the day preceding election day and received before noon on the day of the official canvass following the election in order to be counted.

Also repeals §20-14-32 of the Utah Code, relating to furnishing conveyances to the polls on election day and for registration purposes.

## STATE SESSION LAWS

### UTAH CONT'D

HB 93, Approved 3/7/75

Amends §§20-15-1 and 20-3-35 of the Utah Code relating to election contests.

States that all contest petitions in the case of nominations must be filed within 10 days after the returns of the direct primary election or within 10 days of the final date for placing in nomination by petition, whichever is applicable. Sets forth the information which must be contained in the petition, setting forth particulars of the complaint. Requires a verified copy to be served on the respondent, who has 5 days to answer. Requires the court having jurisdiction to try the case on the merits not less than 10 nor more than 15 days after the respondent's answer has been filed and summarily adjudicate same.

Enacts two additional grounds for contest - When a candidate has authorized excess campaign expenditures, and such excess expenditures have been made; and when votes have been received at the polls using ballots containing uncorrected errors or omissions when the number so received is sufficient to change the result.

Permits any candidate who loses by not more than a total of one vote per voting district to request a recount under the direction of the county clerk or secretary of state, as appropriate, within 7 days after the vote has been canvassed. States that the person receiving the highest number of votes on the recount must be declared elected.

HB 97, Approved 3/22/75

States that if ballot errors or omissions are discovered when it is not possible to correct them by reprinting, the election judges may make the necessary corrections under the direction of the county clerk on the official ballots before they are distributed at the polls. Establishes procedures to be followed when ballots for a direct primary election are not delivered, or are destroyed or stolen. Amends §20-7-9 and enacts §20-3-22.5 of the Utah Code.

HB 135, 1975 New Laws Page 213, Approved 3/13/75

Amends Utah Code provisions relating to the election campaign fund. States that all amounts currently deposited in the fund shall be transferred to the uniform school fund, and a similar amount disbursed

## STATE SESSION LAWS

### UTAH CONT'D

from the general fund to political parties and candidates as provided by law. Also, in the future, whenever a taxpayer designates \$1 of his tax liability to the fund, the state tax commission shall cause \$1 to be transferred from the general fund to the election campaign fund, with the money to come from revenue generated from the imposition of the sales and use tax.

NOTE: These changes in the election campaign funding laws were required by Attorney General Opinion 74-016, issued April 10, 1974, which held the former provisions unconstitutional. A discussion of this ruling is found under the State Attorney General Opinions section of this survey, infra.

HB 202, Approved 3/24/75

States that of each three election judges appointed at each polling place, two shall be from the political party that cast the highest number of votes and one from the party that cast the second highest number of votes for representative in congress at the election preceding the appointment of such judges. Amends §20-7-10 of the Utah Code.

HB 218, 1975 New Laws Page 327, Approved 3/24/75

Enacts a Lobbying Regulation Chapter (§§36-11-1 through 36-11-9) of the Utah Code.

Scope of Act: Defines "lobbyist" as "any person who receives any contributions or compensation or expends any money for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of this state or for the purpose of attempting to influence the actions of any state officer, agency, board, commission, or council." Defines "person" to include an individual, partnership, committee, association, corporation or any other organization or group of persons, except legislators. Excludes public officials acting in their official capacity; news dispensing media reports or editorials; representatives of a bona fide church for the purpose of protecting the public right to practice the religious doctrines of such church, etc.

Registration: Requires each lobbyist to register with the Secretary of State prior to undertaking any lobbying activities. States that licenses issued at that time shall expire on December 31 of each

## STATE SESSION LAWS

### UTAH CONT'D

even-numbered year. Requires the Secretary of State to prepare and keep a current docket, open for public inspection, of all lobbyists registered in the state.

Contingent Fee Arrangements: Prohibits any fee arrangement by which payments are made based on the outcome of any lobbying effort.

Improper Influence: Prohibits any person from in any manner improperly seeking to influence the vote of any member of the legislature through communication with the member's employer.

False Statements: Prohibits any lobbying communication or signature thereto which is known to be false, forged, counterfeit or fictitious.

Penalties: Makes violation of any provision of the Act, or failure to comply with the requirements of the Act, a Class C misdemeanor. Authorizes the Attorney General to investigate and prosecute alleged violations. States that any person convicted of violation of the Act shall be prohibited from registering for one year from the date of the violation; and that the Secretary of State shall remove the registration of any person who has been convicted of violating any of the provisions of or failing to file pursuant to the Act.

### VIRGINIA

SB 563, Chapter 42, Approved 2/22/75

Permits the Attorney General to institute or conduct criminal prosecutions in the circuit courts of the State in cases involving election law violations, after a Commonwealth Attorney or member of a city or county electoral board requests him to take such action. Amends §2.1-124 of the Virginia Code.

SB 564, Chapter 209, Approved 3/11/75

Requires candidates in special elections to file financial interest statements with the Clerk of the House for which he seeks election by the time of qualifying as a candidate. Amends and reenacts §2.1-358 of the Virginia Code.

## STATE SESSION LAWS

### VIRGINIA CONT'D

SB 644, Chapter 515, Approved 3/22/75

Makes various changes in Virginia election laws, including the following:

Prohibits election officials from collecting any fee as a notary from the time of such appointment.

Prescribes an oath to be taken by those receiving precinct lists.

States that those persons qualified to vote who are in an institution operated by the Department of Mental Health and Mental Retardation shall for purposes of voting be presumed to be a domiciliary of the county, city or town of which they were residing at the time of their admission to the institution.

Sets forth new salary schedules for general registrars. Sets guidelines for assistant registrars, based on the population of the area covered.

States that the office of each general registrar shall be open a minimum of one day per week or as otherwise provided by law. Also, on the final day of registration, all registration places shall be open a minimum of eight hours and closed at 5:00 p.m. Permits additional registration hours to be set by each general registrar as needed.

States that registration books shall be closed for 6 days preceding the day of any special election called by the Governor, Speaker of the House or President of the Senate, and for 13 days preceding all other special elections.

Sets forth procedures to be followed in the case of a person offering to vote who is not found to be properly registered to vote.

Sets procedures to be followed when vacancies arise in county governing bodies.

Enacts a new Article dealing with the removal of public officers from office, applicable to all State, county, city, town, and district officers, elected or appointed, except such officers whose removal is specifically provided for in the Constitution of Virginia.

## STATE SESSION LAWS

### VIRGINIA CONT'D

States that no write-in vote shall be counted when it is apparent to election officers that a voter has voted for the same person for the same office more than one time.

Requires pollbooks to be preserved for five years after an election.

States that no referendum shall be placed on the ballot, unless specifically authorized by statute.

Requires nonparty candidates to file for office at least 60 days before a special election to be held at the same time as the general or primary election, or, if it is a special election called by the Governor, Speaker of the House of Delegates or President of the Senate.

Requires a candidate for the State Senate or House of Delegates to file with the clerk of the appropriate House written statements of economic interests as set forth in the Conflict of Interest law.

States that a write-in ballot cast by a voter must be in his own handwriting and in a single receptacle.

Permits absentee voting by any duly registered person who is confined while awaiting trial or due to conviction of a misdemeanor; or any duly registered person who is a member of an electoral board, registrar, officer of election or custodian of voting machines. Makes minor revisions in other absentee voting laws.

#### Campaign Financing Amendments:

Requires the State Board of Elections to designate the form of the report or statement of expenditures and contributions, which shall be the only form used in complying with these requirements.

States that each candidate shall appoint only one campaign treasurer, and may designate not more than one campaign committee to receive all contributions and make all expenditures for or on behalf of the candidate, file all required reports, etc. Requires each campaign treasurer to be a qualified voter of the state, but permits the same person to serve as campaign treasurer for more than one candidate.



## STATE SESSION LAWS

### VIRGINIA CONT'D

Permits a campaign treasurer to establish a petty cash fund, to be used for making expenditures of less than \$25, if complete records of all such expenditures are maintained.

Requires each person, committee (other than a candidate's campaign committee), organization, association or group of individuals which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$100 to file detailed organizational statements with the State Board of Elections within 10 days of organization.

Requires each candidate, or anyone collecting, receiving, disbursing, or expending money, services or other thing of value over \$100 to report every such collection, receipt, disbursement, or expenditure as required by law.

Requires each person, committee (other than a candidate's campaign committee), organization, association or group of individuals which expends funds in excess of \$500 in a state-wide election or \$100 in any other election for the purpose of influencing its outcome, or who publishes or broadcasts to the public any material referring to a candidate (directly or indirectly), advocating his election or defeat, etc.; or for the purpose of promoting or opposing any question submitted to the voters, to maintain records and file reports as required by law.

Defines "services" as excluding personal services voluntarily rendered for which no compensation is given or asked.

Requires the candidate or his treasurer to maintain detailed accounts of contributions and expenditures in excess of \$100, including goods or services loaned or borrowed.

Makes the following changes in campaign reporting deadlines: In any calendar year in which an individual is a candidate for office and an election for such office is held, a report must be filed with the electoral board where the candidate resides not later than the 5th day before the date of such election. Any single contribution received of \$1,000 or more (\$500 for non-state-wide offices) must be reported within 72 hours, but in any event not later than the day prior to the election. The report filed no later than the 30th day after the election must be complete through the 25th day after the election. Annual reports must be filed until all unpaid bills and deficits have been accounted for.

## STATE SESSION LAWS

### VIRGINIA CONT'D

Abolishes the former Report or Statement of Campaign and Election Contributions and Expenditures form, and in its place lists information on contributions and expenditures that must be spelled out in the reports without giving a particular format. Basically requires detailed information, including occupation and principal place of business, for those contributing \$500 or more; less detailed information for those contribution between \$100 and \$500; listing of all expenditures of \$100 or more, either individual or aggregate; contribution and expenditure totals, by category and cumulatively.

SB 678, Chapter 333, Approved 3/19/75

Conflict of Interest Act Amendments: Permits contracts to be made between the government of a town with a population of less than 7,500 and an officer or employee of that town government, when the total of such contracts between the town government and the officer or employee or a business controlled by him does not exceed \$10,000 per year and the officer or employee files financial disclosure statements required by law. Amends §2.1-349 of the Virginia Code.

SB 689, Chapter 383, Approved 3/19/75

Amends the Virginia Conflict of Interest Act to permit an officer or employee of a governmental agency or advisory agency to travel at the cost of another, when the travel is undertaken in the normal course of his duties, provided that all costs paid by another are reported in writing, together with the name of the party making the expenditure, to the Auditor of Public Accounts. Amends and reenacts §2.1-351 of the Virginia Code.

SB 945, Chapter 442, Approved 3/20/75

Establishes new procedures for prosecuting those who violate state lobbying provisions. Generally gives the Commonwealth's Attorney for the City of Richmond authority and discretion to prosecute these cases, although upon request of the Secretary of the Commonwealth, the Attorney General assists in the prosecution. Permits individual State Legislators or Legislative Committees to request such a prosecution. Also increases the lobbyist filing fee from \$5 to \$15. Amends and reenacts §§30-28.1 and 30-28.7; adds new §30-28.9:1; and repeals §30-28.9 of the Virginia Code.

## STATE SESSION LAWS

### VIRGINIA CONT'D

#### HB 1354, Chapter 491, Approved 3/20/75

Relates to financial disclosure statements by certain local officials who deal with land development and real estate transactions, and candidates for these positions, in counties, cities, and towns with populations in excess of 3,500 persons. Requires these reports to list all real estate interests or holdings in the area from which elected or by which employed, as well as holdings in any corporation, partnership or any other business association or entity whose primary purpose is to own or develop real estate and which has real estate interests in such area. Requires such statements to be filed with the clerk of the local circuit court prior to December 31 of each year. Amends §2.1-353.1 of the Virginia Code.

#### HB 1493, Chapter 313, Approved 3/18/75

States that every officer or employee required by law to disclose material financial interests must make the same disclosures in writing to the agency by which he is employed. Amends §2.1-353 of the Virginia Code.

### WEST VIRGINIA

#### SB 97, Approved 3/24/75

Requires sample ballots in primary and in general elections to be a different color from regular ballots. Also rewrites the section dealing with the form and contents of primary election ballots, and provides a place on the ballot for the names of state senators and delegates. Amends §§3-1-20, 3-5-12, and 3-5-13 of the West Virginia Code.

## STATE SESSION LAWS

### WYOMING

HB 477A, Chapter 185, Law without Approval 3/11/75

Makes various changes in Title 22.1 of the Wyoming Statutes, including the following:

#### Campaign Financing Amendments

Expenditure Limitations: Limits campaign expenditures for identifiable expenses by or on behalf of any candidate for public office as follows:

- (a) State Legislature: \$1,000; \$1,500; or \$2,000 in the primary and again in the general election, depending on the population of the district;
- (b) County Offices: \$2,000 in the primary and again in the general election;
- (c) Municipal or Judicial Offices: \$1,000 in the primary and again in the general election;
- (d) State-wide Offices: 50 cents times the number of votes cast for the office at the last general election in the primary and again in the general election;
- (e) School and College District Offices: \$500 in the primary and again in the general election.

Who May Contribute: Permits only natural persons to contribute, except as authorized by federal law. Prohibits anyone from soliciting or receiving a political payment or contribution from any source other than a natural person, except political parties or as expressly authorized by federal law.

Contribution Limitation: Prohibits any natural person from contributing or expending in behalf of any candidate for political office an amount more than 5% of the limitations listed above. States that this limitation does not apply to contributions by political parties or by the candidate himself.

Reporting Requirement: Requires each professional association, trade association, labor union or any other group or association which has contributed to or expended funds on behalf of political parties to file itemized statements with the Secretary of State and county

## STATE SESSION LAWS

### WYOMING CONT'D

clerk of all contributions and expenditures, and to whom made, within 10 days after each election. Also requires each person, firm, corporation, association or other organization or entity selling or supplying campaign advertising or materials for hire to file similar reports.

Reporting Deadlines: Requires campaign financing reports filed by candidates and committees after each primary, general or special election to be submitted within 10 days after the election. Requires in most instances duplicate statements to be filed with the Secretary of State and the county clerk.

Advertising before Primary Election: Prohibits campaigning for election at a primary election by making use in the advertising media of certain forms of advertising, including radio, television, billboards, and posters, more than 30 days prior to the primary.

Advertising Rates: States that the rates charged for political campaign advertising shall not be higher than rates charged for local advertising of the same quality and quantity.

#### Other Election Laws

Establishes procedures for recounts of ballot proposition votes.

Requires a new election to be held when a county canvassing board is unable to determine which candidate has been elected or nominated because of material error in the conduct of the election.

Requires county clerks to issue public proclamations once between 65 and 55 days, and once between 40 and 30 days, before each general or other election.

Changes the date of the primary election to the first Tuesday after the second Monday in September.

Sets the date for filing applications for nomination at not more than 60 nor less than 45 days preceding the primary election.

Requires vacancies created by failure of write-in nominees to accept a nomination to be filled not later than 39 days before the general election.

## STATE SESSION LAWS

### WYOMING CONT'D

Establishes procedures to be followed when changing precinct boundaries.

Permits additional training schools to be established at the discretion of each county clerk when needed to train additional election officials.

Requires each county canvassing board to meet no later than first Monday following the election. Requires the State Canvassing Board to meet no later than the second Monday following an election.

Sets forth procedures for a mandatory recount of the entire district for any office where the difference in the number of votes cast for the winning candidate receiving the least number of votes and the losing candidate receiving the greatest number of votes is less than 1% of the number of votes cast for the winning candidate receiving the least number of votes for that office.

SECTION II - FEDERAL LEGISLATION  
(93RD CONGRESS)

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

Public Law 93-443 was signed by President Ford on October 15, 1974. Most of the provisions of the law became effective on January 1, 1975. Extensive amendments were made by Public Law 93-443 to federal laws dealing with campaign financing as well as to those dealing with registration, reporting, and disclosure requirements. The following analysis summarizes the present federal law in these areas as amended by Public Law 93-443.

It should be noted that the newly created Federal Election Commission is authorized to promulgate rules and regulations needed to implement and enforce the provisions of the federal campaign financing law.

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## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS

#### I. CONTRIBUTION LIMITATIONS

At the time of the enactment of Pub. L. 93-443, the federal law did not impose a limit on the amount which an individual or organization might contribute to a candidate for federal office. The prior federal law did limit the amount which a federal office candidate or his immediate family could contribute from their own personal funds to the candidate's campaign. By virtue of Pub. L. 93-443, in addition to the limitation on personal and family contributions, present federal law also limits the amount which individuals, political committees, and other groups can contribute to a candidate's federal office campaign.

##### A. OVERALL CONTRIBUTIONS LIMITATION (18 U. S. C. §608(b))

##### Individuals

- \$1,000 - Individuals may contribute up to \$1,000 to a federal office candidate separately for each nominating convention, primary election, special election, runoff election or general election in which the candidate runs.
- \$25,000 - Individuals may contribute up to an aggregate amount of \$25,000 to all federal office candidates, political committees, etc. in connection with a federal general election and all related nominating conventions, primary elections, runoff elections, and special elections combined.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### Political Committees

\$1,000 - Political committees (other than a candidate's own principal campaign committee) which do not qualify for the \$5,000 limitation may contribute up to \$1,000 to a federal office candidate separately for each nominating convention, primary election, special election, runoff election or general election in which the candidate runs.

\$5,000 - Political committees (other than a candidate's own principal campaign committee) may contribute up to \$5,000 to office candidate separately for each nominating convention, primary election, special election, runoff election or general election in which the candidate runs if the political committee has:

1. been registered for 6 months or more with the Commission
2. received contributions from 50 or more persons
3. contributed to 5 or more federal office candidates, except for a State party organization

Unlimited - No limitation is placed on the amount a candidate's principal campaign committee may contribute to that candidate's own campaign.

No limitation is placed on the amount of aggregate contributions which a political committee may make.

#### Sub-units of Political Committees

Each level and each subsidiary of a political committee is permitted to make separately the maximum allowable contribution to a federal office candidate if the decision to make political contributions is independently exercised within the different levels of the Committee. However, if the sub-units of the organization are under the control of the parent committee with respect to their contributions to any specific candidate, then the entire organization acting in concert would constitute one political committee. As such, the entire committee, including the national, State, and local levels, would only be permitted to contribute the maximum amount which one political committee may contribute.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### Other Groups

\$1,000 - Partnerships, associations, or other organizations or groups of persons may contribute up to \$1,000 to a federal office candidate separately for each primary election, special election, runoff election, general election or nominating convention in which the candidate runs.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### B. COMPUTATION OF CONTRIBUTIONS COUNTED TOWARD LIMITATION

1. Contributions are counted toward a person's limitation if the person, exercises any direct or indirect control over the making of the contribution.
2. For those contribution limitations which apply separately to each election, all elections relating to the nomination of a Presidential candidate count as one election.
3. Earmarked contributions by a person to a candidate are treated as contributions to the designated candidate from the original source for purposes of contribution limitations and the original source and the recipient of an earmarked contribution must be reported in the intermediary's campaign disclosure reports.
4. Contributions to a candidate through a political committee with written authorization to accept contributions on candidate's behalf are considered contributions to the candidate.
5. Contributions to a Vice Presidential candidate of a political party are considered contributions to that party's Presidential candidate.
6. NOT COUNTED as a contribution are the following campaign activities: (1) volunteer services to a candidate or political committee (2) cost of invitations and refreshments voluntarily provided at a individual's residence, individual's voluntary unreimbursed travel expenses, sale of food or beverage for use in a campaign by a vendor at lower than normal price, but at least at cost, so long as such activities do not each value more than \$500 for candidate per nominal convention, primary, special, runoff or general election; (3) cost to State political committee for making and distributing slate card other printed listings of 3 or more candidate in that State, so as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising. (See 18 U.S.C. §591(e))



## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### C. PERSONAL AND FAMILY CONTRIBUTIONS (18 U. S. C. §608(a))

Pub. L. 93-443 clarified the language of the statute limiting the amount contributed by a candidate or a member of his family from their own personal funds by stipulating that the limitation applies to the aggregate contributions made for both the candidate's primary and general election campaigns. In addition, loans made from personal or family funds must conform to certain requirements.

##### 1. Amounts

A federal office candidate may not make contributions or expenditures from his own personal funds or from the personal funds of his immediate family toward both his nomination and general election campaigns combined, which contributions or expenditures in the aggregate exceed:

- \$50,000 - Presidential or Vice Presidential candidate
- \$35,000 - Senatorial candidate
- \$25,000 - House candidate

Immediate family members are also subject to the general overall contribution limitation applicable to all individuals. Thus, if a candidate, before he becomes a candidate, does not have access to funds belonging to a family member, that family member may not grant the candidate access to those funds for the purpose of the candidate drawing upon them up to the maximum limit placed upon contributions from a candidate's own personal funds. Instead, the family member has the option of either contributing funds under his control to the candidate's campaign up to the allowable amount for an immediate family member, or adhering to the \$1,000 contribution limit applicable to all individuals. Hence, the candidate is not permitted to contribute to his own campaign the maximum amount allowable from personal funds which were transferred to him from an immediate family member after he became a candidate, and in addition, accept contributions from that same immediate family member up to the \$1,000 contribution limitation. On the other hand, if a candidate has access to the funds of an immediate family member before he becomes a candidate, he may draw upon those funds up to the limit for contributions to one's own campaign from personal funds, and, in addition, accept contributions up to the \$1,000 limit from that same immediate family member.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### 2. Loans

Loans or advances from personal or family funds to a federal office candidate's own campaign must be evidenced by a written instrument fully disclosing the terms and conditions of the loan or advance.

Only the unpaid balance of such loans or advances will be included in computing the total amount of personal or family contributions to the candidate.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### D. WHAT IS A "CONTRIBUTION" UNDER CRIMINAL PROVISIONS (18 U. S. C. §591(e))

Pub. L. 93-443 amended the definition of "contribution" for purposes of criminal campaign financing provisions by specifying that the first \$500 worth of certain in-kind contributions, such as voluntarily providing food and beverages for campaign purposes at an individual's residence, will not be counted as a contribution. Thus, present federal law defines the word "contribution" under criminal campaign financing provisions to mean:

1. gift, subscription, loan, advance or deposit of money or anything of value to influence a federal office nomination or election
2. express or implied contract, promise or agreement to make a contribution for such purpose
3. funds transferred to a political committee
4. payment by a person, other than a candidate or a political committee, of compensation for services of another person who rendered such services to the candidate or committee without charge
5. EXCLUDED from the definition of contribution are:
  - a. volunteer services to a candidate or political committee
  - b. the following in-kind contributions up to a value of \$500 per candidate for each type of contribution for every nominating convention, primary, runoff, special or general election in which the candidate runs:
    - (1) cost of invitations, refreshments and use of property voluntarily provided at an individual's residence;
    - (2) unreimbursed travel expenses of a volunteer
    - (3) sale of food or beverage for use in a candidate's campaign by a vendor at lower than normal price, but at least at cost
  - c. cost to State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### II. EXPENDITURE LIMITATIONS

At the time of the enactment of Pub. L. 93-443, federal law imposed a limitation only on a candidate's media expenditures in connection with his federal office campaign. Under Pub. L. 93-443, the media expenditure limitations were repealed. There is now a limitation on the overall amount which a candidate may spend in his campaign, the amount which political party committees may spend on a campaign, and the amount of independent campaign expenditures which a person may make.

##### A. CANDIDATE EXPENDITURE LIMITATIONS (18 U.S.C. §608(c))

Candidates are limited in the amount which they may spend on their nomination and general election campaigns on the basis of the office sought. However, because of the definition of the term "expenditure," fundraising costs equalling up to 20% of a candidate's expenditure limitation are not considered to be an expenditure. Thus, in addition to the basic allowable expenditure, candidates may spend a supplemental 20% of their expenditure limitation. This means that, in effect, a candidate's actual expenditure limitation is 20% greater than the basic expenditure limitation, except where a Presidential candidate elects to take public funding.

##### 1. Presidential Candidates

The amounts allowed for fundraising costs will be reduced proportionately according to the amount of public funding the Presidential candidate receives. Fundraising costs are only allowed for funds raised from private sources.

###### a. Nomination:

1. Nationwide - \$10 million, plus up to \$2 million for fundraising
2. Per State - In any one State, limited to twice the amount which a Senatorial candidate may spend on his nomination in that State

###### b. Election: \$20 million, plus up to \$4 million for fundraising

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### 2. Senatorial Candidates

Candidates may spend the appropriate amounts separately for each nominating convention, primary, special, runoff or general election in which they run.

- a. Nomination: Greater of -
  - 1. 8 cents per voting age in State, plus 1.6 cents per voting age person for fundraising or
  - 2. \$100,000, plus \$20,000 for fundraising
- b. Election: Greater of -
  - 1. 12 cents per voting age person in State, plus 2.4 cents per voting age person for fundraising; or
  - 2. \$150,000, plus \$30,000 for fundraising

#### 3. House Candidates

Candidates may spend the following amounts separately for each nominating convention, primary, special, runoff or general election in which they run.

- a. \$70,000, plus \$14,000 for fundraising -

For campaign for nomination or campaign for election, if from a State entitled to more than one Representative

- b. Senatorial candidate limits apply, if from a State entitled to only one Representative

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### B. COMPUTATION OF EXPENDITURES COUNTED TOWARD CANDIDATES LIMITATION

1. Expenditures are counted toward a candidate's limitation if they are made by a committee, agent or other person authorized by the candidate to make expenditures.
2. Federal Election Commission will prescribe rules under which expenditures by Presidential candidates for use in 2 or more States will be attributed to the limitation in each State, based on the voting age population in each State.
3. Expenditures by a Vice Presidential candidate of a political party are considered to be expenditures by that party's Presidential candidate.
4. Expenditure limitation amounts will be increased annually as the Consumer Price Index increases.
5. NOT COUNTED as an expenditure are (1) news stories and editorials; (2) nonpartisan voter registration activity; (3) communications between an organization or corporation and its members; (4) the cost of invitations and refreshments voluntarily provided at an individual's residence, and individual's voluntary unreimbursed travel expenses so long as such activities do not each value more than \$500 per candidate per nominating convention, primary, runoff, special or general election. (18 U.S.C. §591(f))

#### C. INDEPENDENT EXPENDITURE LIMITATIONS (18 U.S.C. §608(e))

- \$1,000 - Expenditure by a person (other than an expenditure made on behalf of a candidate) relative to a clearly identified candidate during one year advocating the election or defeat of such candidate.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### D. POLITICAL PARTY COMMITTEE EXPENDITURE LIMITATION (18 U.S.C. §608(f))

1. National committee of a political party in connection with the general election campaign of the party's candidate for President may expend up to 2 cents per person of voting age in the United States, in addition to any amounts which the committee may expend as a Presidential candidate's principal campaign committee.
2. National committee of a political party may not expend more than \$2 million in connection with a Presidential nominating convention, regardless of whether or not the committee accepts public financing for the convention. (26 U.S.C. §9008(c))
3. National committee and State committees including all branches or subsidiaries of a political party in connection with the party's congressional candidates in a State may each expend up to:
  - a. 2 cents per person of voting age in the State or \$20,000, whichever is greater in the general election campaign of a Senator or Representative, if the State is entitled to only one Representative
  - b. \$10,000 in the general election campaign of a Representative from a State entitled to more than one Representative
4. Expenditure limitation amounts will be increased annually as the Consumer Price Index increases.
5. Fundraising costs of a political committee which qualifies for the \$5,000 limitation are not considered an expenditure except for costs incurred by fundraising through broadcasting stations, newspapers, magazines, outdoor advertising facilities and similar types of general public advertising. However, costs incurred on behalf of a clearly identified candidate would be attributed to that candidate and be counted toward the contribution limitation for the candidate. (18 U.S.C. §591(b))

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### E. WHAT IS AN "EXPENDITURE" UNDER CRIMINAL PROVISIONS (18 U. S. C. §591(b))

Pub. L. 93-443 amended the definition of "expenditure" for purposes of criminal campaign financing laws by stipulating that certain activities, such as nonpartisan voter registration, will not be counted as expenditures to influence a federal office election. Thus, present federal law defines the word "expenditure" under criminal campaign financing provisions to mean:

1. gift, purchase, payment, distribution, loan, advance or deposit of money or anything of value to influence a federal office nomination or election;
2. express or implied contract, promise or agreement to make an expenditure for such purpose;
3. funds transferred between political committees;
4. EXCLUDED from the definition of expenditure are:
  - a. news story or editorial distributed through a broadcasting station, newspaper, magazine or other periodical not controlled by a political party, committee or candidate;
  - b. communication by a non-political organization or corporation to its members or stockholders;
  - c. nonpartisan voter registration activity
  - d. the following expenditures up to a value of \$500 per candidate for each type of expenditure for every nominating convention, primary, runoff, special or general election in which the candidate runs:
    - (1) cost of invitations, refreshments , and use of property voluntarily provided in an individuals residence;
    - (2) unreimbursed travel expenses of a volunteer
  - e. payment by State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising;
  - f. communication not made for the purpose of influencing an election;
  - g. fundraising costs of a candidate up to 20% of the candidate's overall expenditure limitation (but such costs must be reported);
  - h. fundraising costs of a political committee which qualifies for the \$5,000 contribution limitation except for costs for fundraising through broadcast stations, newspapers, magazines outdoor advertising and other general public political advertising (but all costs must be reported).



## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### III. WHO IS A "CANDIDATE" UNDER CRIMINAL PROVISIONS (18 U. S. C. §591(b))

Pub. L. 93-443 did not amend the definition of "candidate" under the federal criminal campaign financing provisions. Under those provisions, the term "candidate" continues to mean:

An individual who seeks nomination or election to federal office and who has either:

1. taken action necessary under State law to qualify for nomination or election; or
2. received contributions or made expenditures with a view to bringing about his nomination or election to federal office or gave another person consent to receive such contributions or make such expenditures.

#### IV. WHAT IS A "POLITICAL COMMITTEE" UNDER CRIMINAL PROVISIONS (18 U. S. C. §591(d))

Pub. L. 93-443 amended the definition of "political committee" to include only groups of individuals and not one individual acting on his own, as was the case under the previous language of the statute. Thus, under present federal criminal law, the term "political committee" means:

Any committee, club, association, or other groups of persons receiving contributions or making expenditures which exceed \$1,000 per calendar year.

#### IV. HOW LONG IS THE STATUTE OF LIMITATIONS (2 U. S. C. §455)

Pub. L. 93-443 lowered the statute of limitations from 5 years to 3 years for prosecuting campaign disclosure violations and criminal campaign financing provisions found at 18 U. S. C. §§608, 610, 611, 613 through 617.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### VI. HOW MAY SURPLUS CAMPAIGN FUND BE USED

Amounts received by a candidate in excess of amounts necessary to defray campaign expenditures and any amounts contributed to an individual to support his activities as a federal officeholder may be used to defray ordinary expenses incurred in connection with his duties as a federal officeholder, or may be contributed to a charitable organization, or may be used for any other lawful purpose. The disposition of the surplus funds must be reported. (2 U.S.C. §439a) This provision has no effect on the rules of the Senate or House dealing with the use of funds received as political contributions. House Rule No. XLIII, paragraph 6, provides that unless specifically provided by law, a Member may not convert campaign funds to his personal use except to reimburse prior campaign expenditures; nor may he expend campaign funds on other than bona fide campaign purposes. Senate Rule No. XLII, paragraphs 2 and 3, provides that a Senator may use political contributions only to influence his nomination or election, except that he may use them for travel to and from his home State, for expenses for mailing speeches, newsletters, and reports to constituents, for radio, television, and news media methods of reporting to constituents, for telephone, telegraph, and stationary expenses exceeding his allowance, and for newspaper subscriptions from his home State. Pub. L. 93-191, dealing with the franking privilege, provides that the cost of preparing frankable matter may be derived from campaign funds. In addition, under Pub. L. 93-625, a fund established exclusively for the preparation or circulation of newsletters shall be taxed as if the fund constituted a political organization. Thus, a tax would be imposed on a newsletter fund's income from investments, appreciated property, and business activities.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### VII. OTHER FEDERAL CRIMINAL CAMPAIGN FINANCING PROVISIONS

##### A. CONTRIBUTIONS OR EXPENDITURES IN VIOLATION OF LIMITATIONS

(18 U.S.C. §608(b))

By virtue of Pub. L. 93-443, under federal law, it is a crime for a candidate, political committee or officer or employee of a political committee to knowingly make an expenditure or accept a contribution in violation of the limitations on contributions and expenditures. The crime is punishable by one year in prison and a \$25,000 fine.

##### B. FOREIGN NATIONAL CONTRIBUTIONS

(18 U.S.C. §614)

Federal law prohibits foreign nationals not lawfully admitted to the United States for permanent residence from making political contributions in connection with any nomination or election to public office. The crime is punishable by five years in prison and a \$25,000 fine. Prior to amendment by Pub. L. 93-443, the statute prohibited such contributions from foreign principals.

##### C. CONTRIBUTIONS IN THE NAME OF ANOTHER

(18 U.S.C. §614)

Federal law prohibits political contributions by one person in the name of another. Under Pub. L. 93-443, the punishment for such a crime has been increased to one year in prison and a \$25,000 fine.

##### D. CASH CONTRIBUTIONS

(18 U.S.C. 615)

Cash contributions aggregating over \$100 with respect to a candidate's campaign for nomination or election to federal office are prohibited under Pub. L. 93-443. The crime is punishable by one year in prison and a \$25,000 fine.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### E. EXCESSIVE HONARARIUMS (18 U. S. C. §616)

Elected or appointed officers of the Federal government are prohibited from accepting any honorarium of more than \$1,000 for each separate appearance, speech or article or honorariums aggregating more than \$15,000 during one year. This provision was added by Pub. L. 93-443, which also makes the crime punishable by a \$1,000 to \$5,000 fine. Compensation for books is not included in the limitation. Also amounts fractual travel and subsistence expenses are excluded.

#### F. MISREPRESENTATION OF CAMPAIGN AUTHORITY (18 U. S. C. §617)

Federal office candidates, their employees or agents are prohibited under Pub. L. 93-443 from fraudulently misrepresenting themselves as acting on behalf of any other candidate, committee or political party in a matter which is damaging to such other candidate or party. This crime is punishable by one year in prison and a \$25,000 fine.

#### G. GOVERNMENT CONTRACTOR CONTRIBUTIONS (18 U. S. C. §611)

Pub. L. 93-443 clarified the law prohibiting United States government contractors from making political contributions by stipulating that corporations and labor organizations having contracts with the United States government are permitted to maintain separate, segregated funds for the purpose of making political contributions or expenditures so long as such funds are established in accordance with 18 U. S. C. §610.

## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### VII. OTHER FEDERAL CRIMINAL CAMPAIGN FINANCING PROVISIONS

##### A. CONTRIBUTIONS OR EXPENDITURES IN VIOLATION OF LIMITATIONS

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## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### E. EXCESSIVE HONARARIUMS (18 U.S.C. §616)

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## FEDERAL LEGISLATION

### CRIMINAL PROVISIONS CONT'D

#### H. CORPORATE, LABOR UNION AND NATIONAL BANK CONTRIBUTIONS

(18 U.S.C. §610)

Federal law prohibits political contributions to federal office candidates from national banks, corporations, and labor unions and, by virtue of Pub. L. 93-443, the punishment for such a contribution has been increased to \$25,000 for a corporation or labor union, \$1,000 and one year in prison for nonwilful violation by corporate or union officials, and \$50,000 and two years in prison for wilful violations by corporate or union officials.

#### I. PROVISIONS IN 18 U.S.C. NOT CHANGED BY PUB. L. 93-443

In addition to the criminal campaign financing provisions amended or added to federal law by Pub. L. 93-443, several provisions prohibiting candidates from accepting contributions or engaging in certain conduct remain in effect. These laws provide as follows:

1. Federal congressional candidates are prohibited from soliciting or receiving political contributions from federal government employees, except that solicitations directed to the general public do not violate the law if they unintentionally reach Government employees within the area solicited. (18 U.S.C. §602)
2. It is illegal to solicit political contributions from persons known to be on work relief made possible by an act of Congress. (18 U.S.C. §604)
3. Receipt of names of persons on work relief made possible by an act of Congress, by a political candidate, committee or campaign manager is prohibited. (18 U.S.C. §605)
4. Wilful publication or distribution of any pamphlet, poster, advertisement or other statement relating to a federal office candidate without the name of the persons responsible for the publication is a crime. (18 U.S.C. §612)
5. Violation of Title III of the Act, which deals with such matters as campaign disclosure reports, requirements concerning political committees, use of the frank, use of surplus campaign funds, etc. is a criminal offense. (2 U.S.C. §441)
6. Certain activities, such as making excess campaign expenditures or accepting excess private contributions, relating to the public financing of Presidential campaigns are illegal. (These provisions received minor amendments under Pub. L. 93-443 and were also expanded to cover Presidential candidates receiving matching payments for primary contributions. (See 26 U.S.C. §§9012 and 9042)

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS

#### I. WHAT IS A "CONTRIBUTION" UNDER CAMPAIGN DISCLOSURE PROVISIONS

(2 U.S.C. §431(e))

Pub. L. 93-443 amended the definition of "contribution" under campaign disclosure laws by specifying that certain contributions, such as the first \$500 worth of in-kind contributions consisting of voluntarily providing food and beverages at an individual's residence, need not be reported by a federal office candidate. Thus, present federal law defines the word "contribution" for purposes of campaign disclosure provisions to mean:

1. gift, subscription, loan, advance or deposit of money or anything of value to influence a federal office nomination or election;
2. express or implied contract, promise or agreement to make a contribution for such purpose;
3. funds transferred to a political committee;
4. payment by a person, other than a candidate or a political committee, of compensation for services of another person who rendered such services to the candidate or committee without charge
5. EXCLUDED from the definition of contribution are:
  - a. volunteer services to a candidate or political committee
  - b. the following in-kind contributions up to a value of \$500 per candidate for each type of contribution for every nominating convention, primary, runoff, special or general election in which the candidate runs:
    1. cost of invitations, refreshments, and use of property voluntarily provided at an individual's residence;
    2. unreimbursed travel expenses of volunteer;
    3. sale of food or beverage for use in a candidate's campaign by a vendor at lower than normal price, but at least at cost
  - c. cost to State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising;
  - d. payments or obligations incurred by a corporation or labor union through other than a separate segregated fund.



## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### II. WHAT IS AN "EXPENDITURE" UNDER CAMPAIGN DISCLOSURE PROVISIONS

(2 U. S. C. §431(f))

Pub. L. 93-443 amended the definition of "expenditure" for the purposes of campaign disclosure laws by stipulating that certain activities, such as nonpartisan voter registration, need not be reported as an expenditure by a federal office candidate. Thus, present federal law defines the word "expenditure" under campaign disclosure provisions to mean:

1. gift, purchase, payment, distribution, loan, advance or deposit of money or anything of value to influence a federal office nomination or election;
2. express or implied contract, promise or agreement to make an expenditure for such purpose;
3. funds transferred between political committee;
4. EXCLUDED from the definition of expenditure are:
  - a. news story or editorial distributed through a broadcasting station, newspaper, magazine or other periodical not controlled by a political party committee or candidate;
  - b. communication by a non-political organization or corporation to its members or stockholders;
  - c. nonpartisan voter registration activity
  - d. the following expenditures up to a value of \$500 per candidate for each type of expenditure for every nominating convention, primary, runoff, special or general election in which the candidate runs:
    - (1) cost of invitations, refreshments and use of property voluntarily provided in an individual's residence;
    - (2) unreimbursed travel expenses of a volunteer
- e. payment by State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising;
- f. communication not made for the purpose of influencing an election;
- g. payments or obligations incurred by a corporation or labor union through other than a separate segregated fund.

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### III. WHO IS A "CANDIDATE" UNDER CAMPAIGN DISCLOSURE PROVISIONS

(2 U. S. C. §431(b))

Pub. L. 93-433 did not amend the definition of "candidate" under the federal campaign disclosure provisions. Under those provisions, the term "candidate" continues to mean:

An individual who seeks nomination or election to federal office and who has either:

1. taken action necessary under State law to qualify for nomination or election; or
2. received contributions or made expenditures with a view to bringing about his nomination or election to federal office or gave another person consent to receive such contributions or make such expenditures.

#### IV. WHAT IS A "POLITICAL COMMITTEE" UNDER CAMPAIGN DISCLOSURE PROVISIONS

(2 U. S. C. §431(d))

Pub. L. 93-443 amended the definition of "political committee" under campaign disclosure provisions to include only groups of individuals and not one individual acting on his own, as was the case under the previous language of the statute. Thus, under present federal campaign disclosure law, the term "political committee" means:

Any committee, club, association or other groups of persons receiving contributions or making expenditures which exceed \$1,000 per calendar year.

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### V. POLITICAL COMMITTEES

Pub. L. 93-443 amended previous federal laws concerning political committees by changing the recordkeeping requirements for contributions under \$10, and by requiring that each federal office candidate designate a principal campaign committee and campaign depositories. Further amendments changed the dates on which campaign disclosure reports must be filed and also changed the contents of those reports. In addition, Pub. L. 93-625, enacted on January 1, 1975, imposes a tax on certain income earned by political organizations.

##### A. ORGANIZATION AND RECORDKEEPING (2 U.S.C. §432)

Federal statutes require that, prior to accepting contributions or making expenditures, every political committee must have a chairman and a treasurer, who must authorize expenditures by the committee. The treasurer must keep an account of all contributions to and expenditures by the committee, in addition to preserving itemized receipts of expenditures which exceed \$100 per year to one person. Further, a political committee which solicits contributions or makes expenditures on behalf of a candidate without written authorization from that candidate must include on the front page of its literature a notice that the committee is not authorized by the candidate. In addition to keeping a record of the date and amount of each contribution, under amendments by Pub. L. 93-443, the treasurer of a political committee is required to keep a record of the name and address of each contributor giving more than \$10; and for those giving more than \$100, a record of their occupation and principal place of business must be kept. The date and amount of each expenditure must also be recorded, as well as the name and address of the person to whom the expenditure is made.

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### B. PRINCIPAL CAMPAIGN COMMITTEE (2 U.S.C. §431 (g))

By virtue of Pub. L. 93-443, each federal office candidate, other than a Vice Presidential candidate, is required to designate a principal campaign committee. A principal campaign committee may only serve and support only one candidate, except that a Presidential candidate of a political party may designate the national committee of that party as his principal campaign committee. All political committees which receive contributions or make expenditures on behalf of a candidate must file their campaign disclosure reports with the candidate's principal campaign committee. The principal campaign committee then has the duty to compile such reports and, along with its own campaign disclosure reports, file them with the Commission.

#### C. REGISTRATION OF POLITICAL COMMITTEES (2 U.S.C. §433)

Since the enactment of Pub. L. 93-225 in 1972, federal law requires that each political committee which anticipates receiving contributions or making expenditures exceeding \$1,000 during the year must file a statement of organization within 10 days of its formation. These statements must disclose such information as the area in which the committee operates, the candidates whom the committee is supporting, and the disposition of funds which will be made if the committee dissolves. In addition, a political committee must give notification of its disbanding. Under amendments made by Pub. L. 93-443, political committees, other than principal campaign committees, must file their reports and notifications with the principal campaign committee of the candidate whom they are supporting, rather than with the Commission or supervisory officer.

#### D. TAXATION OF POLITICAL COMMITTEES

By virtue of Pub. L. 93-625, a tax is imposed on political organizations' income from investments, sales of appreciated property, and business activities. It is required that such organizations pay tax on income other than that (1) acquired through political contributions or political fund-raising activities and (2) used to influence the outcome of an election. (26 U.S.C. §527) In addition, all political organizations must file tax returns in years when they have any taxable income; however, political committees are exempt from filing income tax returns in years when they have no gross income. (26 U.S.C. §6012)

CAMPAIGN DISCLOSURE PROVISIONS CONT'DVI. CAMPAIGN DEPOSITORIES  
( 2 U.S.C. §437b)

Under amendments by Pub. L. 93-443, each federal office candidate is required to designate one or more national or state banks as campaign depositories. The candidate's principal campaign committee and any other committees authorized to receive contributions and make expenditures on behalf of the candidate must each maintain a checking account at a depository designated by the candidate. All contributions received by a committee must be deposited into that committee's checking account and all expenditures, except for petty cash expenditures, by the committees must be made by check drawn on the committee's account. In addition, Presidential candidates must deposit their public financing payments into the designated checking account of their principal campaign committee. A Presidential candidate may establish in each State one depository which will be considered the campaign depository for that State by his principal campaign committee and by any other committees authorized to accept contributions or make expenditures for the candidate. The treasurer of each political committee not authorized to accept contributions or make expenditures for a candidate must designate one or more national or State banks as campaign depositories of the committee. A checking account must be maintained at each depository. All contributions to the committee must be deposited in those checking accounts and all expenditures must be drawn on those accounts. A political committee may maintain a petty cash fund from which expenditures not exceeding \$100 per purchase may be made. A record of petty cash transactions must be filed with the Commission.

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### VII. CAMPAIGN DISCLOSURE REPORTS

Federal office candidates and political committees supporting them are required under federal law to file campaign disclosure reports. Pub. L. 93-443 amended federal laws dealing with the date on which such reports must be filed and the contents of those reports. In addition, it extended the reporting requirements to groups which influence the outcome of an election. (Note: Committees or organizations dealing with the financing of national political party conventions must also file financial statements, see p. 34.)

##### A. WHO MUST FILE REPORTS

1. Federal office candidates (2 U.S.C. §434 (a));
2. Political committees supporting federal office candidates (2 U.S.C. §434(a));
3. Individuals or persons making contributions or expenditures aggregating \$100 or more per year, not including political committees or candidates, if such contributions or expenditures are made other than by contribution to a political committee or candidate and if they are made in connection with a federal election (2 U.S.C. §434(e));
4. Persons (other than individuals) who, in connection with a federal election, expend funds or commit acts directed at the public for the purpose of influencing the outcome of an election or who publish or broadcast material referring to a candidate, including advocating his election or defeat, setting forth the candidate's position on an issue, his voting record or other official acts, except that this requirement does not apply to United States government publications, or genuine news stories, editorials, or commentaries distributed through a broadcast station or a bona fide newspaper, magazine or periodical [such groups must also register as political committees] (2 U.S.C. §437a);
5. EXEMPTION FROM CAMPAIGN DISCLOSURE REQUIREMENTS (2 U.S.C. §436(b));

Commission may relieve candidates and committees of the obligation to file campaign disclosure reports as follows:

- a. Any category of candidates may be exempted if the Commission determines that to do so would be consistent with the purposes of the Act;
- b. Any category of political committees may be exempted if they:
  - (1) primarily support persons seeking state or local office;  
and
  - (2) do not operate in more than one State or do not operate on a state-wide basis.

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### B. WHAT MUST REPORTS CONTAIN (2 U.S.C. 434 (b))

Federal law requires the disclosure of the following information:

1. Cash on hand at the beginning of reporting period;
2. Name and address of every contributor giving more than \$100 per year (including the purchasers of tickets for fundraising events), along with the amounts and dates of such contributions;
3. Total sum of contributions from contributors giving \$100 or less per year;
4. Transfers of funds between candidates, between political committees and between candidates and political committees, as well as the amounts and dates of such transfers;
5. Amounts and dates of loans to or from any person aggregating more than \$100 per year, as well as the name, address, occupation, and principal place of business of the lender, endorsers, and guarantors;
6. Proceeds from the sale of tickets to fundraising events, collection made at such events, and the sale of political items, literature, and similar materials;
7. Each contribution, rebate, refund or other receipt exceeding \$100 and not otherwise listed;
8. Sum of all receipts by or for such committee or candidate during the reporting period, together with total receipts less transfers between political committees which support the same candidate and do not support other candidates;
9. Name and address of each person to whom expenditures exceeding \$100 per year have been made, along with the amount, date, and purpose of the expenditure and the name, address, and office sought by the candidate on whose behalf the expenditure was made;
10. Name and address of each person to whom an expenditure exceeding \$100 for personal services, salaries, and reimbursed expenses has been made, as well as the amount, date, and purpose of such expenditure, if such information is not otherwise listed;
11. Sum of expenditures made during the year, together with the total expenditures less transfers between political committees which support the same candidate and do not support other candidates;
12. Amount and nature of debts and obligations owed by or to the committee, along with a statement of the circumstances and conditions under which the debt was extinguished, including any consideration given (debts and obligations must be continuously reported until extinguished);
13. Other information which the Commission shall require;

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

14. Contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported in separate schedules. The Commission is to prescribe regulations setting forth the exact manner in which they are to be reported;
15. Amounts received by a candidate in excess of amounts necessary to defray campaign expenditures and any amounts contributed to an individual to support his activities as a federal officeholder may be used to defray ordinary expenses incurred in connection with his duties as a federal officeholder, or may be contributed to a charitable organization, or may be used for any other lawful purpose; however, deposition of such amounts must be reported.
16. EXCLUDED from the reporting requirements are:
  1. Value of photographic, matting or recording services furnished to a Member of Congress by the Congressional Recording Studios, except for recording services furnished during the calendar year before the year in which the Member's term expires;
  2. Value of services to a Member of Congress by an individual employed by the House or Senate;
  3. Value of services to a Member of Congress if the services were paid for by the Republican or Democratic Senatorial Campaign Committees or by the Republican or Democratic Congressional Committees.



## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### C. WHEN MUST REPORTS BE FILED (2 U. S. C. §434(a))

##### 1. ELECTION YEARS:

- a. Quarterly reports - 10th day after the close of a calendar quarter in which candidate or committee received contributions or made expenditures exceeding \$1,000;

- April 10 - Complete as of March 31
  - July 10 - Complete as of June 30
  - October 10 - Complete as of September 30
  - January 10 - Complete as of December 31

- b. Before and after election reports - 10 days before and 30 days after each nominating convention, primary, runoff, special or general election, complete as of 15 days before and 20 days after election (if mailed, before election reports must be post-marked 12th day before election);

- c. Waiver of reporting date - where quarterly report is due within 10 days of an election, it need not be filed.

##### 2. NON- ELECTION YEARS:

- a. Quarterly reports - Due as in election years, except for the last quarter

- b. Annual report - Due by January 31 of the following year complete as of the close of the year for which report filed.

- 3. LATE CONTRIBUTIONS: Contributions of \$1,000 or more received after the 15th day but more than 48 hours before an election must be reported within 48 hours of receipt.
- 4. MONTHLY REPORTING: Commission may waive the above reporting dates for Presidential candidates and political committees operating in more than one State and replace them with monthly reporting dates.
- 5. CUMULATIVE REPORTING: Reports must be cumulative during the calendar year to which they relate, but where there has been no change in a reported item since the last report during the year, only the amount needed will be carried forward.
- 6. INACTIVE STATUS: Where no contributions or expenditures have been accepted or expended during a calendar year, the political committee or candidate must file a statement to that effect.
- 7. POSTMARK DATE: where reports are filed by registered or certified mail, the postmark is deemed to be the date of filing.

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### D. WHERE MUST REPORTS BE FILED

Generally, all reports are to be filed directly with the Commission, except that a candidate's principal campaign committee will receive reports by other political committees accepting contributions and making expenditures on behalf of the candidate. The principal campaign committee will then file such reports and statements together with its own reports. In addition, a copy of each report must be filed with the Secretary of State (or equivalent State officer) in each State where a Presidential candidate makes an expenditure and in each State where a congressional candidate is running for office.

#### E. CONVENTION FINANCING REPORTS (2 U.S.C. §437)

Committees or organizations which:

1. Represent a State or its subdivision, or any group of persons, in dealing with national political party officials with respect to matters involving a Presidential nominating convention held in such State or subdivision; or
2. Represent a national political party in making arrangements for the party's Presidential nominating convention

must file with the Commission a financial statement on the sources of their funds and the purposes for which the funds were expended. Such statements must be in the form and detail prescribed by the Commission.

#### F. PENALTIES FOR FAILURE TO REPORT

1. Criminal: Any person violating the campaign disclosure requirements is subject to a fine of \$1,000 and imprisonment for one year. (2 U.S.C. §441)
2. Disqualification from Candidacy - Failure to file a campaign disclosure report, where prosecution of such failure is not barred by the statute of limitations, may result in barring the candidate involved from being a candidate in a future election for federal office for one year after the expiration of the term of office for which he was running. (2 U.S.C. §456)

## FEDERAL LEGISLATION

### CAMPAIGN DISCLOSURE PROVISIONS CONT'D

#### VIII. CAMPAIGN ADVERTISING (2 U.S.C. §435)

- A. Charge for Space: Newspaper or magazine selling space to a candidate for campaign use may not charge an amount exceeding the amount charged for such space for other purposes;
- B. Notification: Political committees must include on the front page of all literature and advertisements soliciting political contributions a notification that the committee's campaign disclosure report has been filed and is available from the Federal Election Commission.

#### IX. SOLICITATION OF CAMPAIGN CONTRIBUTIONS BY FRANKED MAIL

(2 U.S.C. §435)

Under Pub. L. 93-443, Members of Congress are prohibited from using mailings under their frank to make solicitations of funds. Under an earlier law, Pub. L. 93-191, enacted in 1973, mass mailings under the frank are prohibited less than 28 days prior to a primary or general election in which the member is a candidate.

## FEDERAL LEGISLATION

### FEDERAL ELECTION COMMISSION

#### I. COMPOSITION

(2 U. S. C. §437c(c)(1))

##### A. Members -

- a. Secretary of the Senate, without the right to vote
- b. Clerk of the House, without the right to vote
- c. Two members appointed by President pro tempore of Senate, upon recommendation of majority and minority leaders, with the confirmation by a majority of both Houses of Congress
- d. Two members appointed by Speaker of the House, upon recommendation of majority and minority leaders, with the confirmation by a majority of both Houses of Congress
- e. Two members appointed by the President with the confirmation by a majority of both Houses of Congress

B. Political Affiliation - Each of the two members appointed by the President, the Speaker of the House, and the President pro tempore of the Senate, respectively, may not be from the same political party

C. Terms - Members serve 6 year terms, except that those first appointed serve terms of staggered length

D. Qualifications - Members are to be chosen on the basis of experience, integrity, and impartiality and may not at the time of their appointment be elected or appointed officers or employees of the federal government

#### II. DUTIES AND POWERS

A. Reporting Requirements - Reports by candidates, political committees, and other persons required to make campaign disclosures under this Act are to be filed with the Commission. In connection with these duties the Commission must develop and furnish prescribed forms for the making of reports, along with a manual of recommended methods of bookkeeping. It must also develop a filing and cross-indexing system, as well as a cumulative index of the reports. The Commission has the duty to make each report available for public inspection within 2 days of its filing. Such reports must be preserved for 10 years, except that those relating to House elections will be preserved only 5 years. The Commission must publish special reports from time to time listing candidates who have and have not complied with reporting requirements. The Commission is required to make audits and investigations concerning reports. (2 U. S. C. §438(a))

## FEDERAL LEGISLATION

### FEDERAL ELECTION COMMISSION CONT'D

B. Public Financing - Commission to certify candidates eligible for public financing, to audit expenditures, etc. (26 U.S.C. §9003)

C. Policy-making, Investigatory, Regualtory, and Enforcement Functions -

1. Policy - Commission is to formulate policy with respect to certain federal criminal provisions relating to political activities, i.e. §§610, 611, 613 through 617 of Title 18 U.S. Code. (2U.S.C. §437c(b))
2. Regulatory - Commission has the power to promulgate rules and regulations to carry out the provisions of this Act. (2 U.S.C. §437d(a)(8))

Where the regulations concern the filing of campaign disclosure reports and statements, the Commission must supply a statement explaining and justifying the proposed regulation to the House affected by the regulation, or to both Houses where the regulation concerns Presidential and Vice Presidential reports or public financing audits and recordkeeping. The House or Houses involved then has 30 days in which to disapprove the regulation. (2 U.S.C. §438(c)) (26 U.S.C. §903g)

3. Investigation and Compliance - Upon receipt of a complaint of an apparent violation, the Commission may either refer the matter to the Attorney General or institute an investigation. If the Commission investigates and finds reason to believe that there has been or will be a violation of the Act, it may endeavor to seek compliance through informal means. If this fails, the Commission may seek to enforce the law through civil or criminal proceedings. (2 U.S.C. 437g)

## FEDERAL LEGISLATION

### FEDERAL ELECTION COMMISSION CONT'D

#### 4. Enforcement (2 U.S.C. §437g) -

1. Civil Action: The Commission has primary jurisdiction with respect to civil enforcement of the provisions of the Federal Election Campaign Act and of federal criminal provisions in 18 U.S.C. §§608, 610, 611, 613 through 617. Thus, a person must exhaust his administrative remedies with respect to violations of the Act. The Commission also has general power to initiate, defend or appeal thorough civil proceedings for injunctive, declaratory or other relief any civil action in the name of the Commission for the purpose of enforcing the Act. The Commission is to institute its civil actions in the appropriate United States District Court. However, instead of the Commission instituting civil actions, upon request of the Commission, the Attorney General shall institute a civil action for relief in the appropriate United States District Court. A permanent or temporary injunction will be issued in these matters upon a showing that a person has engaged in or is about to engage in acts which violate this Act.
2. Criminal Action: Apparent violations of Criminal provisions are to be referred to appropriate law enforcement authorities
3. United States Attorney General Report: Where the Commission refers an apparent federal criminal violation to the United States Attorney General, he must report back on any action taken within 60 days of the referral

- D. Advisory Opinions - Upon written request of a federal candidate, officeholder or political committee, the Commission will issue an advisory opinion on whether a specific transaction or activity would constitute a violation of this Act or federal criminal laws. Any person who, receiving an advisory opinion and acting in good faith, relies on such an advisory opinion, shall be deemed in compliance with the law. (2 U.S.C. §437f)

## FEDERAL LEGISLATION

### FEDERAL ELECTION COMMISSION CONT'D

#### III. JUDICIAL REVIEW OF CONSTITUTIONAL QUESTIONS (2 U.S.C. §437h)

- A. Standing to Review Constitutional Questions - The Commission, the national committee of any political party, or any individual eligible to vote in Presidential elections may institute actions in the appropriate United States District Court to construe the constitutionality of this Act or of criminal provisions relating to political activities.
- B. Certification for Supreme Court Review - Questions of constitutionality are to be certified by the District Court to the United States Court of Appeals. Any decision on a matter which is certified shall be reviewable by direct appeal to the United States Supreme Court.

## FEDERAL LEGISLATION

### PUBLIC FINANCING

#### I. PUBLIC FINANCING OF PRESIDENTIAL CAMPAIGNS

The Presidential Election Campaign Fund was established by Pub. L. 92-178 in 1971 for the payment of qualified campaign expenses incurred by Presidential candidates in a general election campaign (26 U.S.C. §9001 et seq.). The Fund is to consist only of money designated by taxpayers through the tax checkoff (26 U.S.C. §9006(a)). Due to changes made by Pub. L. 93-53 in 1973, the Fund is now nonpartisan. Thus, option formerly available to the taxpayer to specify the political party or separate account to which his checkoff money would go has been eliminated. (26 U.S.C. §9006(d))

Pub. L. 93-443 extended federal government financing of Presidential campaigns to cover expenses incurred for nominating conventions and also made public funds available for Presidential primary candidates.

#### A. PRESIDENTIAL NOMINATING CONVENTIONS

1. Payments from the Fund are granted to the qualifying national committee of each major and minor party to be used to defray expenses incurred by the national committee with respect to a presidential nominating convention. Major party national committees would be entitled to receive up to \$2 million, while minor party national committees would receive a smaller amount based on the number of votes received by the party candidate in the last general election. [Amounts increased annually as the Consumer Price Index increases] (26 U.S.C. §9008(b))
2. Major party committee's expenditures with regard to a convention are limited to the amount of public funding received, and the minor party committee's expenditures are limited to the amount equal to a major party committee's funding. The Commission may grant exceptions to the expenditure limitations where there are extraordinary or unforeseen circumstances. However, all national committees are subject to the \$2 million limitation, regardless of whether or not they accept public funding to finance a nominating convention, unless an exception is granted by the Commission. (26 U.S.C. §9008(d))
3. Convention financing payments are to be made available before any transfer of funds is made for public financing of a candidate's general election campaign. (26 U.S.C. §9008(a))



## FEDERAL LEGISLATION

### PUBLIC FINANCING CONT'D

#### B. PRESIDENTIAL PRIMARIES

1. Presidential Primary Matching Payment Account - Establishes a Presidential Primary Matching Payment Account in the Presidential Election Campaign Fund.
2. Eligibility - In order to be eligible to receive public funding, a Presidential candidate must make certain agreements relating to record keeping, auditing, contribution, and expenditure limitations, etc., and the candidate is required to certify that he has received minimum contributions of \$5,000 from residents of at least 20 States, with no portion of a contribution in excess of \$250 from one person counted. (26 U.S.C. §9033)
3. Entitlement - Candidate entitled to matching payments from the Fund in an amount equal to the first of \$250 received from each contributor during the year of the Presidential election and the preceding year. The Commission would certify payments from the Fund. However, the total amount of matching payments to a candidate may not exceed 50 per cent of his expenditure limitation. (26 U.S.C. §9034) (Even those contributions necessary to meet the threshold requirement will be matched) (26 U.S.C. §9034)
4. Definition of Contribution - The only contribution which will be matched or which will count toward the minimum contribution level is one which is a gift of money by written instrument identifying the contributor by name and address. (26 U.S.C. §9034)
5. Definition of candidate - For the purpose of receiving matching payments, an individual is regarded as a Presidential candidate if: (a) he takes action necessary under State law to qualify for nomination; (b) receives contributions or incurs qualified campaign expenses; and (c) gives consent to another person to receive contributions or incur qualified campaign expenses on his behalf. (26 U.S.C. §9032(f))
6. Availability of Funds - Funds for matching payments are to be available only after there are enough funds to satisfy public financing entitlements for candidates in general election campaigns and for national committees to use in nominating conventions. In making matching payments to candidates of the same political party, the Secretary of the Treasury shall seek to achieve an equitable distribution of available funds. (26 U.S.C. §9037)

## FEDERAL LEGISLATION

### PUBLIC FINANCING CONT'D

#### C. GENERAL ELECTIONS

1. Eligibility - In order to be eligible to receive public funding, a Presidential candidate must make certain agreements relating to record-keeping, auditing, contribution, and expenditure limitations, etc. (26 U.S.C. §9003)
2. Entitlement (26 U.S.C. §9004)
  - a. Major Party Candidate - Entitled to an amount equal to the sum which a Presidential candidate may expend in his general election campaign.
  - b. Minor Party Candidate - Entitled to an amount bearing the same ratio to the major party candidate's entitlement as the number of votes received by the minor party's candidate in the preceding Presidential election bears to the average number of votes received by the major party Presidential candidates in the last election.
  - c. Non-Major Party Candidate - If a non-major party Presidential candidate received between 5 and 25 per cent of the votes cast for President in the preceding election, he and his Vice Presidential running mate will be entitled to payments on the same basis as minor party candidates.
  - d. Minor or New Party Candidate - Minor or new party Presidential candidates receiving 5 per cent of the votes cast for President will receive after the election an amount bearing the same ratio to the major party candidate's entitlement as the number of popular votes received by the candidate bears to the average number of votes received by the major party candidates in the election.
  - e. Definitions -
    1. Major Party - Party whose Presidential candidate received at least 25% of votes cast for President in preceding election
    2. Minor Party - Party whose Presidential candidate received between 5 and 25% of votes cast for President in preceding election
    3. Candidate - (a) Presidential nominee of a majority party; or  
(b) Individual qualified to have his name or the names of electors pledged to him on the election ballot as the Presidential candidate of a political party in 10 or more States.
3. Private Funding - Where a candidate receives public funds, he may accept private contributions only to the extent necessary to defray the difference between the amount of public funds received and his qualified campaign expenses. (26 U.S.C. §9003(b), 9012(b))

## FEDERAL LEGISLATION

### PUBLIC FINANCING CONT'D

#### C. GENERAL ELECTIONS CONT'D

4. Any political committee authorized by the candidate, as well as the candidate's principal campaign committee may make qualified campaign expenditures on behalf of the candidate.
5. Where there are not sufficient funds to satisfy the full entitlement of every candidate, payments to candidates must be withheld in order to insure that the eligible candidates of each party will receive a pro rata share of their full entitlement. (26 U.S.C. §9006(d))

#### D. CERTIFICATION

Commission must certify all public financing payments and its determinations are subject to judicial review by the United States Court of Appeals for the District of Columbia upon petition by any interested person. (26 U.S.C. §§9005, 9008g, 9011, and 9036)

#### E. SUITS TO IMPLEMENT PUBLIC FINANCING PROVISIONS

The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision relating to public financing in the district courts of the United States.

#### F. CRIMINAL PENALTIES

Eligible candidates are subject to criminal sanctions for making excess campaign expenditures, unlawfully accepting private contributions, illegal use of public financing payments, etc. (26 U.S.C. §9012)

## II. INCOME TAX DEDUCTION & CREDIT FOR POLITICAL CONTRIBUTIONS

Under Pub. L. 93-625, enacted on January 3, 1975, the tax credit available for political contributions is increased from \$12.50 to \$25.00 per year and the tax deduction from \$50.00 to \$100.00 per year. (26 U.S.C. §§41(b)(1), 218(b)(1)). The tax checkoff remains at \$1 per individual. (26 U.S.C. §6096) Due to amendments by Pub. L. 93-443, a tax deduction is no longer available for advertising in a national nominating convention program. (26 U.S.C. §276).

## FEDERAL LEGISLATION

### EFFECT ON STATE LAW

#### I. POLITICAL ACTIVITIES BY STATE & LOCAL EMPLOYEES

Hatch Act provisions dealing with State and local government employees whose principal employment is in connection with a federally funded activity were amended under Pub. L. 93-443. The prohibition against such employees taking an active part in political management or campaigns was repealed and replaced with a prohibition against being a candidate for elective office in a partisan election. This provision does not preempt State laws on political activities of State employees. (5 U.S.C. §1502)

The Civil Service Commission which is responsible for enforcing the Hatch Act provisions has interpreted the restriction relating to candidacies as prohibiting candidacies for public office in a partisan election and candidacies for a political party position which is filled at a primary, special or general election.

#### II. PREEMPTION OF STATE LAW (18 U.S.C. §591 note, 2 U.S.C. §453)

The provisions of the Federal Election Campaign Act, including amendments and rules and regulations prescribed by the Commission under the Act, supercede and preempt any provision of State law with respect to a federal office election, except that State laws concerning the political activities of State employees are not superceded.

## FEDERAL LEGISLATION - 94TH CONGRESS

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION

#### MAJOR MEASURES RECEIVING ACTION

##### Extension of Voting Rights Act of 1965

The Voting Rights Act of 1965 was originally enacted by Congress under the Fifteenth Amendment. Generally, the Act bans voting qualifications and registration practices found to be inherently discriminatory. States and/or counties are automatically covered by its provisions when less than certain percentages of qualified electors register or vote in given election years. The law was extended in 1970 for an additional five years, and certain of its provisions, notably the ban on literacy tests or similar devices as a prerequisite to voting, were expanded nationwide.

The Act is due to expire on August 6, 1975, unless Congress acts earlier to extend it. Among the possibilities now under consideration are a simple 5 or 10 year extension, nationwide expansion of all or certain of its provisions, and the inclusion of Spanish-speaking or Mexican-American citizens under its coverage.

The House Judiciary Committee, Subcommittee on Civil Rights has been holding hearings on H.R. 939 and similar proposals to amend the Voting Rights Act during February, March, and April of 1975. In addition, the Subcommittee on Constitutional Rights of the Senate Judiciary Committee held hearings on S. 407, S. 903, and S. 1279 in April, 1975.

##### Government Employees - Political Activities

By virtue of the so-called Hatch Act provisions, originally enacted in 1939, most federal executive agency employees, as well as District of Columbia employees, are prohibited from taking an active part in political campaigns. Among those exempted from the prohibition are certain Presidential appointees, executive department heads, White House office personnel, employees of educational or research institutions supported by the District of Columbia or by a religious, charitable or cultural organization, certain District of Columbia officials and employees residing in various excepted communities where they may take part in local political matters.

The Hatch Act restrictions were originally enacted to insure that our federal employment would be based on meritorious performance, rather than political service. However, the prohibitions have been criticized in recent years as an unnecessary curtailment of federal

## FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION CONT'D

employees' political rights. Many bills pending in the 94th Congress propose to restore to federal employees subject to the Hatch Act the right to participate in political campaigns as private citizens.

The Subcommittee on Employee Political Rights and Intergovernmental Personnel of the House Post Office and Civil Service Committee has held hearings on H.R. 3000 and similar proposals to amend the Hatch Act on March 25 and on several days in April, 1975.

#### Absentee Ballots - Overseas Citizens

At present, United States citizens residing overseas are often unable to vote in either State or federal elections because they fail to meet State residency requirements for obtaining absentee ballots. In order to insure that overseas citizens will be able to vote in federal elections, various proposals now pending in the 94th Congress would require States to permit such citizens to vote by absentee ballot in federal elections if they were domiciled in that State prior to their departure.

The Subcommittee on Elections of the House Administration Committee has held hearings on H.R. 2210 and H.R. 3211 and similar proposals concerning voting by citizens residing overseas on February 25 and 26, and March 11, 1975.

#### Special Election of the President and Vice President

The Twenty-fifth Amendment to the United States Constitution provides that whenever there is a vacancy in the Presidency, the Vice President shall become President and when there is a vacancy in the Office of the Vice President, the President shall nominate a Vice President who must be confirmed by a majority vote of both Houses of Congress prior to taking office. In order to deal with a situation in which neither the President nor the Vice President was elected to that office, several proposals in the 94th Congress provide for a constitutional amendment requiring a special election where an individual becomes both Vice President and then President under the Twenty-fifth Amendment.

## FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION CONT'D

The Subcommittee on Constitutional Amendments of the Senate Judiciary Committee has held hearings on S.J. Res. 26 and related proposals to amend the Twenty-fifth Amendment on February 25 and 26 and March 11, 1975.

#### Voter Registration

As a result of a voter decline during the 1960's and the low voter turnout during 1972 general election, several bills have been introduced in the 94th Congress to create new methods of voter registration. Many of these proposals would establish a Voter Registration Administration for the purpose of administering a mail registration program for federal elections. Under most of these proposals, States would be reimbursed for the cost of processing postcard registrations for federal elections and would, in addition, receive grants for implementing mail registration for State elections. On April 8 and 9, 1975, the Elections Subcommittee of the House Administration Committee held hearings on H.R. 1686 and H.R. 3212 to create a mail registration system.

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1 McClellan 1/15/75 Judiciary	CORRUPT PRACTICES AND ELECTION CRIMES: - Proposes a general recodification and revision of the federal criminal laws, including those involving federal elections and campaigns for federal office
S. 2* Proximire 1/15/75 Commerce	<p style="text-align: center;">ACTION</p> <hr/> <p>4/28, 29, 30/75 - Hearings by Communications Subcom.</p> <hr/> <p>BROADCASTING - POLITICAL - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Repeals equal time requirements for broadcast stations allowing candidates for public office to use their facilities</li> </ul> <p>POLITICAL EDITORIALS:</p> <ul style="list-style-type: none"> <li>- Repeals the prohibition against political editorials by broadcast stations</li> </ul> <p>ACCESS TO BROADCASTING:</p> <ul style="list-style-type: none"> <li>- Repeals provision permitting revocation of a station license for station's failure to allow reasonable access to facilities by legally qualified candidate</li> </ul>
S. 84 Mathias 1/15/75 Judiciary	<p>POLITICAL SURVEILLANCE - PROHIBIT:</p> <ul style="list-style-type: none"> <li>- Illegal for United States civil officer or military officer to investigate or record information on the beliefs, associations or political activities of any person not a member of the Armed Forces or of any civilian organization</li> <li>- Civil action for damages authorized for any person aggrieved as a result of illegal surveillance and class actions to enjoin such violations authorized</li> </ul>
S. 95 Mathias 1/15/75 Rules & Administration	<p>ABSENTEE BALLOTS - OVERSEAS CITIZENS:</p> <ul style="list-style-type: none"> <li>- Citizen residing overseas, not to be denied the right to vote by absentee ballot in Federal elections in any State if he was domiciled in that State prior to his departure; if he is otherwise qualified to vote by absentee ballot in the State; if he intends to maintain the State as his Federal voting residence; if he does not have a domicile, is not registered to vote or is not voting elsewhere; and if he has a valid passport or card of identity</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 95 cont.	<ul style="list-style-type: none"> <li>- Each State and election district to provide appropriate procedures for the registration and voting by absentee ballot by overseas citizens who apply not later than 30 days before the election</li> <li>- Criminal penalties provided for the violation of this Act</li> </ul>
S. 181 Case 1/16/75 Rules & Administra- tion	<p>CANDIDATES - FINANCIAL DISCLOSURE BY:</p> <ul style="list-style-type: none"> <li>- Requires the President and Vice President, Members of Congress, federal judges, executive, judicial, and legislative officers and employees receiving more than \$25,000 per year and federal office candidates to file yearly a financial disclosure report revealing:</li> <li>- Amount and source of each item of income exceeding \$100 received by the person or by him and his spouse jointly</li> <li>- Value of each asset and amount of each liability held or owed by the person or by him and his spouse jointly</li> <li>- Dealings in securities or commodities by the person or by him and his spouse jointly</li> <li>- Purchases or sales of real property by the person or by him and his spouse jointly</li> </ul>
S. 372 McGee 1/23/75 Post Office & Civil Service	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- Removes present Hatch Act prohibitions by permitting Federal executive agency employees to take an active part in political campaigns</li> </ul>
S. 407* Griffin 1/27/75 Judiciary	<p style="text-align: center;">ACTION</p> <hr/> <p>4/75 - Hearings by Subcom. on Constitutional Rights</p> <hr/> <p>VOTING RIGHTS ACT OF 1965:</p> <ul style="list-style-type: none"> <li>- Extends provisions dealing with literacy tests and residency requirements for 5 years</li> </ul>
S. 495 Ribicoff 1/30/75 Government Operations	<p>CORRUPT PRACTICES &amp; ELECTION OFFENSES</p> <ul style="list-style-type: none"> <li>- ENFORCEMENT:</li> <li>- Establishes a Public Attorney to investigate and prosecute criminal cases referred by the Federal Election Commission</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 495 cont.	<ul style="list-style-type: none"> <li>- Attorney General would halt its proceedings in any case referred to the Public Attorney</li> </ul> <p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES:</p> <ul style="list-style-type: none"> <li>- Amends the Hatch Act by prohibiting those persons who are presently exempted from the partisan political activity restriction from soliciting or receiving political contributions during their tenure and for one year thereafter</li> <li>- Makes violation of the Title 5 provision relating to political contributions a criminal offense (5 U.S.C. §7323)</li> </ul> <p>CAMPAIGN FINANCING - PUBLIC FINANCING</p> <ul style="list-style-type: none"> <li>- TAX CREDIT &amp; DEDUCTION:</li> <li>- Increased from \$12.50 to \$25 per year</li> <li>- Tax deduction repealed</li> </ul> <p>CRIMES:</p> <ul style="list-style-type: none"> <li>- Makes the following activities a criminal offense:             <ol style="list-style-type: none"> <li>1. stealing campaign material</li> <li>2. using funds to finance a violation of Federal election laws</li> <li>3. political contributions by recipients of federal grants, loans or subsidies</li> <li>4. fraudulent infiltration of a Federal election campaign for sabotage purposes</li> <li>5. misrepresentation of a candidate</li> </ol> </li> </ul>
S. 564 Kennedy, Scott 2/5/75 Rules & Administra- tion	<p>CAMPAIGN FINANCING - PUBLIC FINANCING</p> <p>CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional Election Account established in the Presidential Election Campaign Fund for the payment of campaign expenses incurred by Congressional candidates in general and primary election campaigns</li> <li>- Federal Election Commission must certify all payments to candidates and decisions are subject to judicial review</li> <li>- To be eligible to receive public funding, a candidate has to make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc., and candidate is required to certify that he has received minimum contributions as follows with no portion of a contribution in excess of \$100 from one person counted:             <ol style="list-style-type: none"> <li>1. Representative - \$10,000</li> <li>2. Senator - Lesser of (1) 20% of expenditure limit or (2) \$125,000</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 564 cont.	<ul style="list-style-type: none"> <li>- Only candidates seeking nomination by a political party eligible to receive funds for a primary election campaign</li> <li>- Entitlements:               <ol style="list-style-type: none"> <li>1. Primary Election - Congressional candidates entitled to matching payments in an amount equal to the first of \$100 received from each contributor for that campaign</li> <li>2. General Election:                   <ol style="list-style-type: none"> <li>a. Major party congressional candidates - entitled to payments equalling their expenditure limitations</li> <li>b. Minor party congressional candidates entitled to an amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won the last election by the minor party candidate bears to the average number of votes won by the major party candidates for the same office in the last election</li> <li>c. Minor party or new party candidates who win 5% of the votes cast in the election are entitled to an amount representing the same ratio to an amount representing the same ratio set forth for minor party candidates</li> </ol> </li> </ol> </li> </ul>
S. 608 Pastore 2/7/75 Commerce	<p>BROADCASTING - POLITICAL - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Equal time requirements of the Communications Act of 1934 repealed with regard to Federal office candidates</li> </ul>
S. 903* Allen 2/21/75 Judiciary	<p style="text-align: center;">ACTION</p> <p><u>4/75 - Hearings by Subcom. on Constitutional Rights</u></p> <p><u>VOTING RIGHTS ACT OF 1965:</u></p> <ul style="list-style-type: none"> <li>- Repeals sections of Act relating to automatic application of Act and prior approval in changes in voting qualifications</li> </ul>
S. 1177 McGee 3/12/75 Post Office & Civil Services	<p>REGISTRATION - MAIL:</p> <ul style="list-style-type: none"> <li>- Voter Registration Administration established within Bureau of Census to administer a voter registration program for Federal elections through the Postal Service</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1177 cont.	<ul style="list-style-type: none"> <li>- Administration to collect, analyze, and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States; to assist State officials with mail registration and election problems; etc.</li> <li>- Person who fulfills the requirements to be qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State</li> <li>- State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election</li> <li>- Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution</li> <li>- Administration to reimburse States for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system for State elections but latter payments may not exceed 30% of the cost of reimbursements to the State</li> </ul> <p>ELECTION OFFENSES - VOTER FRAUD:</p> <ul style="list-style-type: none"> <li>- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act</li> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person</li> <li>- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act</li> </ul>
S. 1178 Hruska 3/13/75 Commerce	<p>POLITICAL BROADCASTING - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Repeals equal time requirements of Communications Act of 1934</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1279* Hart 3/22/75 Judiciary	<p style="text-align: center;"><u>ACTION</u></p> <p>4/75 - Hearings by Subcom. on Constitutional Rights</p> <hr/> <p><u>VOTING RIGHTS ACT OF 1965:</u></p> <ul style="list-style-type: none"> <li>- Extends certain provisions of the Act for 10 years</li> </ul>
S. 1340 Bayh 3/12/75 Rules & Administration	<p><u>CANDIDATES - FINANCIAL DISCLOSURE BY:</u></p> <ul style="list-style-type: none"> <li>- Requires Members of Congress, executive, judicial, and legislative officers and employees receiving more than \$18,000 per year and federal office candidates to file yearly a financial disclosure report stating:</li> <li>- Amount and source of each item of income exceeding \$100;</li> <li>- Amount of each liability over \$1,000 and identity of creditor;</li> <li>- Dealings in securities or commodities;</li> <li>- Purchases or sales of real property;</li> <li>- Identity and value of interest in property over \$500</li> <li>- Amount and source of gifts over \$100</li> <li>- Amount and source of political contributions</li> </ul>
S. 1355 Montoya 3/26/75 Government Operations	<p><u>POLITICAL PARTICIPATION - YOUNG PEOPLE:</u></p> <ul style="list-style-type: none"> <li>- Establishes national program to encourage people between the ages of 18 and 23 to fully participate in the political system</li> </ul>
S. 1400 Humphrey 4/10/75 Judiciary	<p><u>DAY FOR HOLDING ELECTIONS - HOLIDAY:</u></p> <ul style="list-style-type: none"> <li>- Makes federal elections day a holiday</li> </ul> <p><u>DESIGNATE:</u></p> <ul style="list-style-type: none"> <li>- Changes election day to the first Wednesday after the first Monday in November</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. J. Res. 26* Pastore 2/3/75 Judiciary</p>	<p style="text-align: center;">ACTION</p> <hr/> <p>2/25-26; 3/11/75 - Hearings by Subcommittee on Constitutional amendments</p> <hr/> <p>PRESIDENTIAL &amp; VICE PRESIDENTIAL - SPECIAL ELECTION - VICE PRESIDENT UNDER 25TH AMENDMENT:</p> <ul style="list-style-type: none"> <li>- If a Vice President who took office under the 25th Amendment subsequently becomes Pres- ident and there is more than 1 year left in Presidential term, there will be a special election to choose a President and Vice President</li> </ul>
<p>NOTE:</p>	<p>Senate Committee on Foreign Relations, Subcom- mittee on Multinational Corporations held hear- ings on political contributions made abroad by multi- national corporations on April 21, 1975</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>H. R. 81 Ullman 1/14/75 House Administration</p>	<p>PRESIDENTIAL &amp; VICE PRESIDENTIAL - METHOD OF ELECTION - DIRECT VOTE:</p> <ul style="list-style-type: none"> <li>- Presidential and Vice Presidential candidates to be elected by direct vote of the people in a general election where they must receive at least 25% of the vote or a runoff election between the two candidates receiving the highest number of votes</li> </ul> <p>PRIMARY ELECTIONS - PRESIDENTIAL - NATIONALS:</p> <ul style="list-style-type: none"> <li>- Candidates to be chosen by a National Primary which will be held on the first Tuesday in September of a Presidential election year</li> <li>- Political party qualified to participate in National primary if in two-thirds of the States, the Presidential candidate of that party received 25% of the votes cast in that State in the last Presidential election or if a petition signed by 5% of the qualified voters of the State was filed with the chief elections officer of the State</li> </ul> <p>NATIONAL PRESIDENTIAL ELECTIONS COMMISSION:</p> <ul style="list-style-type: none"> <li>- National Presidential Elections Commissions to regulate Presidential primary and general elections, to determine questions relating to candidate qualifications to certify the election of the President and Vice President of Congress</li> </ul>
<p>H. R. 82 Ullman 1/14/75 House Administration</p>	<p>TIME TO VOTE - SIMULTANEOUS CLOSING OF POLLS:</p> <ul style="list-style-type: none"> <li>- 11:00 p.m., EST, for Presidential elections</li> </ul> <p>VOTING PERIOD:</p> <ul style="list-style-type: none"> <li>- 10 hours, at least, for Presidential elections</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 110 Kastenmeier 1/14/75 Judiciary & Standards of Official Con- duct	CANDIDATES - FINANCIAL DISCLOSURE BY: <ul style="list-style-type: none"> <li>- Requires Members of Congress, executive, judicial, and legislative officers and employees receiving more than \$18,000 per year and federal office candidates to file yearly a financial disclosure report disclosing:</li> <li>- Amount and source of each item of income exceeding \$100 received by the person or his immediate family;</li> <li>- Value of each asset and amount of each liability held or owed by the person or his immediate family;</li> <li>- Dealings in securities or commodities by the person or his immediate family; and</li> <li>- Purchases or sales of real property by the person or his immediate family</li> </ul>
H. R. 111 Bennett 1/14/75 House Admini- stration	CAMPAIGN FINANCING - REPORTING REQUIREMENTS: <ul style="list-style-type: none"> <li>- Requires that political committees and candidates record and report all contributions regardless of amount</li> </ul>
H. R. 112 Bennett 1/14/75 House Admini- stration	PRIMARIES - PRESIDENTIAL - NATIONAL: <ul style="list-style-type: none"> <li>- Establishes Presidential Primaries Commission to coordinate States holding primary elections to determine Presidential candidates</li> <li>- States to receive federal aid upon certification by the Commission if they hold primary elections to determine the Presidential candidates of qualified political parties between April and July of Presidential election years; if their primary election ballots contain only the names of candidates certified as qualified by the Commission; if the States prescribe no voter qualifications other than those prescribed for the most numerous branch of the State legislature; if voters are allowed to vote only in the primary election of the party of their registered affiliation; and if the States make the results of the primary election binding upon the Presidential electors from the State</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 142 Kastenmeier 1/14/75 Judiciary	<p>POLITICAL SURVEILLANCE - PROHIBIT:</p> <ul style="list-style-type: none"> <li>- Illegal for United States civil officer or military officer to investigate or record information on the beliefs, associations or political activities of any person not a member of the Armed Forces or of any civilian organization</li> <li>- Civil action for damages authorized for any person aggrieved as a result of illegal surveillance and class actions to enjoin such violations authorized</li> </ul>
H. R. 219 Bingham 1/14/75 House Admini- stration	<p>QUALIFICATIONS TO VOTE - MARITAL STATUS DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Federal election voting qualifications equalized men and women with respect to disclosure of marital status</li> </ul>
H. R. 266 Boland 1/14/75 Interstate & Foreign Commerce	<p>POLITICAL SURVEILLANCE - PROHIBIT:</p> <ul style="list-style-type: none"> <li>- Illegal for United States civil officer or military officer to investigate or record information on the beliefs, associations or political activities of any person not a member of the Armed Forces or of any civilian organization</li> <li>- Civil action for damages authorized for any person aggrieved as a result of illegal surveillance and class actions to enjoin such violations authorized</li> </ul>
H. R. 284 Carney 1/14/75 House Admini- stration	<p>DAY FOR HOLDING PRIMARIES - DESIGNATE:</p> <ul style="list-style-type: none"> <li>- Presidential primaries must be held by State on first Tuesday in June of Presidential election year</li> <li>- Congressional primaries must be held by State on first Tuesday in August, except that in Presidential election years, they are to be held at the same time Presidential primaries are held</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 288 Carney 1/14/75 Post Office & Civil Service	INFORMATION ON ELECTIONS - POSTING: - Requires that information relating to registration and voting be posted in post offices
H. R. 289 Carney 1/14/75 Post Office & Civil Service	DAY FOR HOLDING ELECTIONS - HOLIDAY: - Makes election day a legal public holiday
H. R. 615 Murphy (N. Y.) 1/14/75 Judiciary	REGISTRATION - FOREIGN LANGUAGE REGISTRARS: - Appointment of foreign language speaking registrars required in areas where citizens whose primary language is other than English compose over 7% of the voting population, with less than half of them registered to vote; in the last Presidential election
H. R. 695 Murphy (N. Y.) 1/14/75 Judiciary	REGISTRATION - FOREIGN LANGUAGE REGISTRATION: - Appointment of foreign language speaking registrars required in areas where citizens whose primary language is other than English compose over 7% of the voting population, with less than half of them registered to vote in the last Presidential election
H. R. 716 Murphy (N. Y.) 1/14/75 Post Office & Civil Services	Identical to H. R. 288

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 719 Murphy (N. Y.) 1/14/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Removes present Hatch Act prohibitions by permitting Federal executive agency em- ployees to take an active part in political campaigns
H. R. 720 Murphy (N. Y.) 1/14/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - FEDERAL - HATCH ACT: - Unlawful for Executive Department officer to require or request a civilian employee to sup- port the nomination or election of anyone to public office, or to support any political party
H. R. 846 Peyser 1/14/75 Post Office & Civil Service	DAY FOR HOLDING ELECTIONS - HOLIDAY: - Makes election day legal public holiday
H. R. 929 Rinaldo 1/14/75 Judiciary & Standards of Official Conduct	CANDIDATES - FINANCIAL DISCLOSURE BY: - Requires the President and Vice President, Members of Congress, federal officers and employees receiving more than \$25,000 per year and federal office candidates to file a financial disclosure report revealing: - Amount and source of each item of income or gift exceeding \$100 received by the person or by him and his spouse - Value of each asset exceeding \$1,000 held by the person or by him and his spouse - Dealings in securities or commodities ex- ceeding \$1,000 by the person or by him and his spouse; and - Purchases or sales of real property exceed- ing \$1,000 by the person or by him and his spouse jointly

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 939 Rodino 1/14/75 Judiciary	<p style="text-align: center;"><u>ACTION</u></p> <p>Feb., March, April, 1975 - Hearings by Subcom. on Civil Rights</p> <p><u>VOTING RIGHTS ACT OF 1965:</u></p> <ul style="list-style-type: none"> <li>- Extends for 10 years provisions of the Act dealing with Attorney General clearance of changes in election laws of certain States and with the use of tests or devices as a pre-requisite to voting</li> </ul>
H. R. 1054 Stratton 1/14/75 House Administration	<p><u>CAMPAIGN FINANCING - POLITICAL BROADCASTING - FREE TIME:</u></p> <ul style="list-style-type: none"> <li>- Requires each radio and television station to provide every eligible major or minor party federal office candidate free time</li> </ul>
H. R. 1106 Teague 1/14/75 Post Office & Civil Service	<p><u>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - FEDERAL:</u></p> <ul style="list-style-type: none"> <li>- Criminal offense for Attorney General, Director of FBI or CIA or Commissioner of IRS to participate in partisan politics</li> </ul>
H. R. 1185 Yates 1/14/75 Armed Services	<p><u>POLITICAL SURVEILLANCE - PROHIBIT:</u></p> <ul style="list-style-type: none"> <li>- Members or employees of the military prohibited from attending political meetings, conventions, or other gatherings for the purpose of collecting information on those persons who are present; and from collecting and storing information on the political beliefs of any person</li> </ul>
H. R. 1206 Young (Fla.) 1/14/75 House Administration	<p><u>CANDIDATES - QUALIFICATIONS:</u></p> <ul style="list-style-type: none"> <li>- Federal office candidates required to resign elective public office prior to qualifying as a general election candidate, if the term of the office sought will begin before the term of the office held will end</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1239 Bennett 1/7/75 Interstate & Foreign Commerce	CAMPAIGN FINANCING - POLITICAL BROADCASTING - PAID POLITICAL ADS: - Prohibit for Presidential candidates FREE BROADCAST TIME: - Require stations to provide free time to major and minor Presidential candidates and present equal time requirements repealed
H. R. 1306 Holt 1/14/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Amends present Hatch Act provisions by permitting Executive agency employees to make voluntary political contributions to all candidates, including Members of Congress and by permitting such employees to take an active part in political campaigns
H. R. 1326 Koch 1/14/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Amends present Hatch Act prohibitions by permitting Federal executive agency employees to take an active part in political campaigns
H. R. 1593 Carney 1/17/75 House Administration	REGISTRATION - MAIL: - Voter Registration Administration established within the General Accounting Office to administer a voter registration program for Federal elections through the Postal Service - President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators - Administration to collect, analyze, and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States - Person who fulfills the requirements to be a qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State - State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1593 cont.	<ul style="list-style-type: none"> <li>- Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution</li> <li>- Administration to reimburse State for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system for state election but latter payments may not exceed 30% of the cost of reimbursements to the State</li> </ul> <p>ELECTION OFFENSES - VOTER FRAUD:</p> <ul style="list-style-type: none"> <li>- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act and where there is a pattern of fraudulent registration, the Attorney General, upon request of the Administration or a State Official, is authorized to bring a criminal action to enjoin such fraudulent registration</li> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person</li> <li>- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act</li> </ul>
H. R. 1675 Daniels 1/20/75 Post Office & Civil Service	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- Amends present Hatch Act provisions by permitting Executive agency employees to make voluntary political contributions to all candidates, including Members of Congress and by permitting such employees to take an active part in political campaigns</li> </ul>
H. R. 1686 * Hays	<p style="text-align: center;">ACTION</p> <p><u>4/8 &amp; 9/75 - Hearings by Subcom. on Elections</u>  <u>Identical to H. R 1593</u></p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1699 McCol- lister 1/20/75 House Admini- stration	CAMPAIGN FINANCING - INDEPENDENT COMMIS- SION TO SUPERVISE ELECTIONS: - Amends the duties of the Federal Elections Com- mission by requiring that it only supervise campaign disclosure requirements and render advisory opinions on the legality of proposed action by a federal office holder, candidate or political committee CONTRIBUTIONS & EXPENDITURES - CAMPAIGN COMMITTEES: - Each candidate must designate one political com- mittee as a central campaign committee to re- ceive all reports made by other committees CONTRIBUTION LIMITATION: - \$2,500 - President for individuals - \$1,000 - Senator or Representative for individuals - No person, other than an individual, a political party committee or the Democratic or Republi- can Senatorial or Congressional Campaign Com- mittees, may make contributions to Federal office candidates
H. R. 1714 Mink 1/20/75 Judiciary	PRESIDENT & VICE PRESIDENT - SPECIAL ELECTION - VACANCY: - In the case where there is neither a President nor Vice President and there is one year or more remaining in the term, Presidential and Vice Presidential electors are to be chosen in each State to select successors
H. R. 1738 Talcott 1/20/75 Interstate & Foreign Commerce	BROADCASTING - POLITICAL - CHARGES FOR: - Repeals the lowest unit rate requirements of the Communications Act of 1934 and requires only that the Charge made for comparable use of the station
H. R. 1821 Dent 1/23/75 House Admini- stration	ABSENTEE BALLOTS - OVERSEAS CITIZENS: - Citizen residing overseas, not to be denied the right to vote by absentee ballot in Federal elec- tions in any State if he was domiciled in that State prior to his departure; if he is other- wise qualified to vote by absentee ballot

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1821 cont.	<ul style="list-style-type: none"> <li>- in the State; if he is not registered to vote or voting elsewhere; and if he has a valid passport or card of identity</li> <li>- Each State and election district to provide appropriate procedures for the registration and voting by absentee ballot by overseas citizens who apply not later than 30 days before the election</li> <li>- Post card registration permitted for overseas citizens</li> <li>- Criminal penalties provided for the violation of this Act</li> </ul>
H. R. 1864 Kasten- meier 1/23/75 Judiciary	<p>POLITICAL SURVEILLANCE - PROHIBIT:</p> <ul style="list-style-type: none"> <li>- Members or employees of the military prohibited from attending political meetings, conventions, or other gatherings for the purpose of collecting information on those persons who are present; and from collecting and storing information on the political beliefs of any person</li> </ul>
H. R. 2053 Steelman 1/23/75 Judiciary & Stand- ards of Officials	<p>CANDIDATES - FINANCIAL DISCLOSURE BY:</p> <ul style="list-style-type: none"> <li>- Requires federal office candidates, Members of Congress, the President, and Vice President, and federal employees earning \$32,000 or more per year or of the GS-16 level to disclose the following regarding the preceding year</li> <li>- Amount of tax paid;</li> <li>- Amount and source of each item of income or gift exceeding \$100;</li> <li>- Identity of each asset exceeding \$1,000;</li> <li>- Transactions in securities or commodities exceeding \$1,000; and</li> <li>- Purchases or sale of real property exceeding \$1,000</li> </ul>
H. R. 2148 Hutchinson	Identical to S. 407



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 2189 Drinan 1/28/75 Interstate & Foreign Commerce	BROADCASTING - POLITICAL - EQUAL TIME: - Repeals equal time requirements for broadcast stations allowing candidates for public office to use their facilities POLITICAL EDITORIALS: - Repeals the prohibition against political editorials by broadcast stations ACCESS TO BROADCASTING: - Repeals provision permitting revocation of a station license for station's failure to allow reasonable access to facilities by legally qualified candidate
H. R. 2210 * Hays 1/28/75 House Admini- stration	<div style="text-align: center;">ACTION</div> <hr/> 2/25 & 2/26/75 - Hearings <hr/> ABSENTEE BALLOTS - OVERSEAS CITIZENS: - Citizen residing overseas, not to be denied the right to vote by absentee ballot in Federal elections in any State if he was domiciled in that State prior to his departure and if he is otherwise qualified to vote by absentee ballot in the State; and if he is not registered to vote or voting elsewhere - Each State and election district to provide appropriate procedures for the registration and voting by absentee ballot by overseas citizens who apply not later than 30 days before the election - Post card registration permitted for overseas citizens - Criminal penalties provided for the violation of this Act
H. R. 2359 Steelman	Identical to H. R. 2053
H. R. 2386 Kasten- meier 1/29/75 Judiciary	QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS: - Prohibits the denial of the right to vote in a Federal election to a citizen on the grounds that he has been convicted of a Federal offense unless he is confined at the time of the election or unless the crime related to voting or elections

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 2387 Kasten- meier	Identical to H. R. 2386
H. R. 2428 Danielson 1/30/75 House Admini- stration	CAMPAIGN FINANCING - CONTRIBUTIONS - CORPORATE & LABOR UNION: - Adds to the present criminal penalties for corporate and labor union contributions by requiring that offenders pay an additional fine equal in amount to the prohibited contri- butions
H. R. 2465 Quie 1/30/75 House Admini- stration	PRIMARY ELECTIONS - PRESIDENTIAL & VICE PRESIDENTIAL; - Presidential and Vice Presidential candidates of political parties are to be chosen in a national primary by voters whose registered affiliation is with the party - Runoff primary to be held where no person in a party receives a majority of popular votes cast
H. R. 2653 Crane 2/4/75 Ways & Means	CAMPAIGN FINANCING - PUBLIC FINANCING - TAX CHECKOFF: - Repeals tax checkoff for Presidential election campaigns
H. R. 2672 Gaydos	Identical to H. R. 1593
H. R. 2673 Gaydos	Identical to H. R. 81
H. R. 2684 Kasten- meier	Identical to H. R. 110

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 2685 Kasten- meier	Identical to H. R. 110
H. R. 2753 Steelman	Identical to H. R. 266
H. R. 2754 Steelman	Identical to H. R. 266
H. R. 2811 Ford (Mich.) 2/5/75 Post Of- fice & Civil Service	ABSENTEE BALLOT - POSTAGE RATES: - Free postage for mailing of absentee ballots by State or local authorities administering election laws
H. R. 2862 Wilson (Calif.)	Identical to H. R. 142
H. R. 2920 Reuss 2/5/75 Judiciary	CORRUPT PRACTICES - BENEFITS PROVIDED FOR BY CONGRESS: - Deprivation or promise of benefits provided for by Congress on the basis of political activi- ty made a crime regardless of whether or not funds for work relief are involved
H. R. 2926 Steelman	Identical to H. R. 2053
H. R. 3000 Clay 2/6/75 Post Office & Civil Service	<div style="text-align: center;">ACTION</div> <hr/> 4/75 - Hearings by Subcom. on Employees Political Rights & Intergovernmental Personnel <hr/> GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Amends present Hatch provisions by permitting Executive agency employees to make voluntary

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 3000 cont.	political contributions to all candidates, including Members of Congress and by permitting such employees to take an active part in political campaigns
H. R. 3211* Dent	ACTION 2/25, 26 & 3/11/75 - Hearings by Subcom. on Elections Identical to S. 95
H. R. 3212 * Dent	ACTION 4/8, 9/75 - Hearings by Subcom. on Elections Identical to H. R. 1593
H. R. 3247 Jordan 2/19/75 Judiciary	VOTING RIGHTS ACT OF 1965: - Extends certain provisions of the Act for 10 years and broadens coverage of certain provisions of the Act to include persons whose primary language is not English
H. R. 3249 Kasten- meier 2/19/75 Judiciary & Stand- ards of Official Conduct	CANDIDATES - FINANCIAL DISCLOSURE BY: - Requires federal office candidates, Members of Congress, the President, and Vice President, and federal employees earning \$25,000 or more per year or of the GS-16 level to disclose the following regarding the preceding year: - Amount and source of each item of income exceeding \$100 received by the person or his dependents; - Value of each asset and amount of each liability over \$1,000 held or owed by the person or his dependents - Dealings of over \$1,000 in securities or commodities by the person or his dependents; and - Purchases or sales of real property valuing over \$1,000 by the person or his dependents
H. R. 3250 Kasten- meier	Identical to H. R. 3249
H. R. 3342 Rodino	Identical to H. R. 939

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 3343 Rodino	Identical to H. R. 939
H. R. 3344 Rodino	Identical to H. R. 939
H. R. 3406 Daniels, Dominick V. 2/20/75 Judiciary	CAMPAIGN FINANCING - POSTAGE RATES: - Permits newspapers and political campaigns literature to be mailed without payment of postage
H. R. 3419 Frenzel 2/20/75 House Admini- stration	CORRUPT PRACTICES - CAMPAIGN ACTIVITIES: - Imposes criminal penalties for the following activities: campaign espionage; concealment of campaign abuses; fraudulent infiltration of campaign for sabotage; financing federal election law violations, etc. CAMPAIGN FINANCING - CONTRIBUTIONS - LIMITATION: - Lowers the amount which a political committee may contribute to a federal office candidate from \$5,000 to \$2,500 PROHIBITED: - Federal office candidates prohibited from receiving contributions from other than individuals or political party organizations EXPENDITURES - LIMITATION: - Raises limitation for Senate and House races to the greater of: \$150,000 or 25 cents per voting age person PRESIDENTIAL CAMPAIGN EXPENDITURES: - Expenditures in excess of \$1,000 must be approved by the chairman or treasurer of the political party national committee FEDERAL ELECTION COMMISSION: - Repeals provisions permitting Congress to veto regulations promulgated by the Commission BROADCASTING - POLITICAL - EQUAL TIME: - Repeals equal time provisions for federal office candidates

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 3501 Roybal 1/20/75 Judiciary	VOTING RIGHTS ACT OF 1965: - Broadens the Act to cover persons of Spanish origin
H. R. 3519 Wilson (Calif.)	Identical to H. R. 3000
H. R. 3629 Dent	Identical to S. 95
H. R. 3646 Giaino	Identical to H. R. 939
H. R. 3788 Kasten- meier	Identical to H. R. 3249
H. R. 3891 Roybal 2/27/75 House Admini- stration	QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS: - Citizens convicted of a crime may vote in federal elections after completion of imprisonment or parole, or after payment of criminal fine or after pardon
H. R. 3934 Clay	Identical to H. R. 3000
H. R. 3935 Clay	Identical to H. R. 3000
H. R. 3936 Clay	Identical to H. R. 3000

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 4002 Rodino	Identical to H. R. 939
H. R. 4093 Rangel 3/3/75 House Admini- stration	<p>REGISTRATION - MAIL:</p> <ul style="list-style-type: none"> <li>- Voter Registration Administration established within Bureau of Census to administer a voter registration program for Federal elections through the Postal Service</li> <li>- Administration to collect, analyze, and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States; to assist State officials with mail registration and election problems; etc.</li> <li>- Person who fulfills the requirements to be qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State</li> <li>- States required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election</li> <li>- States required to provide for registration and voting by handicapped persons and by persons whose major language is other than English</li> <li>- Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution</li> <li>- Administration to reimburse States for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system for State elections, but latter payments may not exceed 30% of the cost of reimbursements to the State</li> </ul> <p>ELECTION OFFENSES - VOTER FRAUD:</p> <ul style="list-style-type: none"> <li>- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act</li> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 4093 cont.	<ul style="list-style-type: none"> <li>- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act</li> </ul>
H. R. 4110 Udall 3/3/75 House Admini- stration	<p>PRIMARY ELECTIONS - PRESIDENTIAL - STATE:</p> <ul style="list-style-type: none"> <li>- States holding Presidential primary elections must meet requirements as to dates for holding such primaries, entitlement to placement on the ballot, elector's qualifications, and runoff elections</li> <li>- Primaries must take place on specified dates in April, May or June</li> <li>- Except for residency requirements, voters must have qualifications requisite for the most numerous branch of the State Legislature and may only vote in the primary of the party of their registered affiliation</li> <li>- Candidates to appear on the ballot if they are either designated by the Federal Election Commission or have gained placement on ballot by filing petitions bearing signatures of party members equal in number to at least one per cent of the total number of votes cast for Presidential electors in the State in the last election</li> </ul>
H. R. 4425 Jordan	Identical to H. R. 3247
H. R. 4636 Moakley	Identical to H. R. 3249
H. R. 4688 Karth	Identical to H. R. 3000
H. R. 4740 Ashley	Identical to H. R. 3249
H. R. 4909 Heckler (W. Va.)	Identical to H. R. 3249



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 4927 Steiger (Wis.) 3/13/75 Ways & Means	CAMPAIGN FINANCING - PUBLIC FINANCING - CHECKOFF: - Permits taxpayer to revoke tax checkoff at any within 3 years after designation
H. R. 4928 Thone 3/13/75 Interstate & Foreign Commerce	BROADCASTING - POLITICAL - EQUAL TIME: - Repeals equal time provisions of the Communica- tions Act of 1934
H. R. 5034 Whalen	Identical to H. R. 3249
H. R. 5249 Kasten- meier	Identical to H. R. 3249
H. R. 5250 Kasten- meier	Identical to H. R. 3249
H. R. 5251 Kasten- meier	Identical to H. R. 3249
H. R. 5271 Rodino	Identical to H. R. 939
H. R. 5315 Clausen, Don N. 3/21/75 House Admini- stration	CORRUPT PRACTICES - CAMPAIGN PRACTICES: - Makes the following activities criminal offenses: election campaign espionage, misuse of political contributions, and concealment of campaign abuses

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 5373 Clay	Identical to H. R. 3000
H. R. 5516 Kasten- meier	Identical to H. R. 3249
H. R. 5551 Badillo 3/26/75 Post Office & Civil Service	VOTING RIGHTS ACT OF 1965: <ul style="list-style-type: none"> <li>- Failure of Attorney General to certify complaints under Act made subject to judicial review</li> <li>- Directs Bureau of Census to compile registration and voting statistics</li> </ul>
H. R. 5552 Badillo 3/26/75 Judiciary	VOTING RIGHTS ACT OF 1965: <ul style="list-style-type: none"> <li>- Extends provisions of Act for 10 years</li> <li>- Broadens Act by specifying that no citizen of Spanish origin shall be denied the right to vote because of inability to read, write, understand or interpret the English language</li> </ul>
H. R. 5600 MacDonald (Mass.) 3/26/75 Interstate & Foreign Commerce	BROADCASTING - POLITICAL - EQUAL TIME: <ul style="list-style-type: none"> <li>- Repeals equal time requirements as they apply to Presidential and Vice Presidential candidates</li> </ul> REPLY TIME: <ul style="list-style-type: none"> <li>- If President, while not a Presidential candidate, is permitted to use a broadcast station to take a partisan position on a controversial issue of public importance, station must give other major party equal opportunity to use station</li> </ul>
H. R. 5611 Railsback 3/26/75 Post Office & Civil Service	DAY FOR HOLDING ELECTIONS - HOLIDAY: <ul style="list-style-type: none"> <li>- Makes election day a federal holiday</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 5721 Frenzel 4/8/75 House Admini- stration	REGISTRATION - FEDERAL ASSISTANCE TO STATES: - Establishes grant program to assist States in devising new methods to encourage voter registration and participation LISTS: - Prohibits federal government from maintaining centralized voter registration lists
H. R. 5735 Minish 4/8/75 House Admini- stration	REGISTRATION - MAIL: - Voter Registration Administration established within the General Accounting Office to administer a voter registration program for Federal elections through the Postal Service - President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators - Administration to collect, analyze, and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States - Person who fulfills the requirements to be a qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State - State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election - Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution - Administration to pay State 50 cents per person registered to vote in the State for the last election, and may also make additional payments to States adopting the post card registration system for State elections, but latter payments may not exceed 30% of the cost of reimbursements to the State ELECTION OFFENSES - VOTER FRAUD: - Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act and where there is a pattern of fraudulent registration, the Attorney General, upon request of the Administration or a State Official, is authorized to bring a criminal action to enjoin such fraudulent registration

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 5735 cont.	<ul style="list-style-type: none"> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person</li> <li>- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act</li> </ul>
H. R. 5840 Clay	Identical to H. R. 3000
H. R. 5869 Drinan	Identical to H. R. 219
H. R. 5877 Kasten- meier	Identical to H. R. 3249

### SECTION III - JUDICIAL DECISIONS

#### SUPREME COURT DOCKET 1974 - 1975 TERM - ELECTION CASES

1. Alabama v. Harrison, docket number 74-1077, ruling below C.A. 5, 12/30/74.

County at-large election system - Discrimination

2. Barnett v. Gordon, docket number 74-200, ruling below Ohio Sup. Ct. 8/29/74. Dismissed for want of a substantial federal question, 11/11/74.

Elections - Equal protection - Removal of incumbent city manager

3. Bates v. Edwards, docket number 74-420, ruling below La. Sup. Ct. 10/15/74.

Delegates to Louisiana Constitutional Convention - "One-man, one-vote" rule

4. Beer v. United States, docket number 73-1869, ruling below U.S.D.C. Dist. Col. 3/15/74. Jurisdiction noted 10/15/74. Argued 3/26/75.

Redistricting - Discrimination - Voting Rights Act of 1965 - Applicability

5. Buck v. Impeach Nixon Committee, docket number 73-2047, ruling below C.A. 7, 7/19/74. Granted 10/31/74 and case is remanded to Court of Appeals for reconsideration in light of Lehman v. City of Shaker Heights, 418 U.S. \_\_\_\_ (1974).

Political advertising - Public transit - First Amendment

6. Calvert v. State Administrative Board of Election Laws, docket number 74-625, ruling below Maryland Court of Appeals, 11/21/74.

Discrimination - Maryland legislative districting plan

7. Cassidy v. Willis, docket number 74-471, ruling below 323 A.2d 598 (Del. Sup. Ct. 10/2/74). Judgment Affirmed 12/9/74.

Candidates - Filing Fees - Equal Protection

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

8. Cerezo v. Buro, docket number 74-413, ruling below PR Sup. Ct. 11/10/74.

Candidates - Equal Protection - Freedom of association

9. Chapman v. Meier, docket number 73-1406, ruling below U.S. D.C. N.D. Review granted 4/29/74. Reversed and Remanded 1/27/75.

Apportionment - Equal Protection

The Supreme Court held that the federal court-ordered reapportionment plan for the State Legislature must, absent "persuasive justifications," avoid use of multimember districts. Also a twenty percent variance in population among districts in a federal court-ordered reapportionment plan is, absent "historically significant state policy or unique features," "constitutionally impermissible."

10. City of Richmond, Virginia v. United States, docket number 74-201, ruling below 376 F. Supp. 1344 (D. D.C., 5/29/74). Probable Jurisdiction Noted 12/16/74.

Voting Rights Act of 1965 - Annexation

11. Cort v. Ash, docket number 73-1908, ruling below C.A. 3, 42 L.W. 2559. Certiorari granted 11/11/74. Argued 3/18/75.

Corrupt Practices Act - Partisan Corporate Expenditures - Standing

12. Cousins v. Wigoda, docket number 73-1106, ruling below 14 Ill. App. 3d 460, 301 N.E. 2d 614 (Ill. App. Ct.). Certiorari granted 3/4/74. Reversed 1/15/75.

Political Parties - Election of delegates to national convention

13. Dallas County, Alabama v. Reese, docket number 74-1077, ruling below C.A. 5.

Apportionment - Discrimination

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

14. East Carroll Parish School Board v. Marshall, docket number 73-861, ruling below \_\_\_\_ F.2d \_\_\_\_ (C.A. 5, 1972) (42 L. W. 2171).

Apportionment - County at-large election - Discrimination

15. Education/Instruction, Inc. v. Moore, docket number 74-598, ruling below C.A. 2, 11/15/74.

Discrimination - Applicability of One-Man, One-Vote Rule to Regional Planning Agencies

16. Files v. Heiskell, docket number 74-1031, ruling below W. Va. Sup. Ct. of App. 12/13/74. Certiorari denied 4/14/75.

Candidates - Disqualification for Office - Equal Protection

17. Hansen v. Board of Inspectors of Election, docket number 74-1081, ruling below N.Y. Sup. Ct.

Residency Requirement - Primaries

18. Harris Commissioners Court v. Moore, docket number 73-1475, ruling below, U.S.D.C. S.D. Tex. (1/30/74). Argued 11/11/74. Reversed and Remanded 2/18/75.

Redistricting of justice of peace districts - Discrimination

19. Hill v. Printing Industries of the Gulf Coast, docket number 74-456, ruling below U.S.D.C. S.D. Tex. 8/20/74.

Campaign Reporting and Disclosure Requirement - Constitutionality

20. Hill v. Stone, docket number 73-1723, ruling below U.S.D.C. N.D. Tex. Jurisdiction noted 10/15/74. Argued 1/14/75.

Qualifications to Vote - Property Ownership

21. Hoogasian v. Regional Transportation Authority, docket number 74-315, ruling below Ill. Sup. Ct. 9/20/74. Dismissed for want of a substantial federal question, 1/14/75.

Referendums - Constitutionality of proposition contained in ballot - vagueness

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

22. In Re Legislative Districting of State, docket number 73-1900, ruling below Md. Ct. App., 271 Md. 320. Certiorari denied 10/15/74.

Apportionment - Legislative Districting - Equal Protection

23. Jewell v. Docking, docket number 74-552, ruling below U. S. D. C. Kansas 11/7/74. Affirmed 3/3/75.

Apportionment - Discrimination - Racial gerrymandering

24. Kanapaux v. Ellison, docket number 74-377, ruling below U.S. D.C. S.C. 10/4/74. Judgment affirmed 10/21/74.

Candidates - Constitutionality of South Carolina's five-year residency requirement

The U. S. Supreme Court affirmed a ruling that Charles D. Ravenel was ineligible to become the candidate for governor of South Carolina because he had not lived in the State for 5 years.

25. McCain v. Lybrand, docket number 74-278, ruling below C.A. 4, 9/16/74. Certiorari Denied 11/25/74.

Elections - Apportionment - Discrimination

26. Neale v. Hayduk, docket number 74-719, ruling below 35 N.Y. 2d 182, 316 N.E. 2d 861 (N.Y. Ct. App.). Appeal Dismissed 2/18/75.

Primary Elections - Change of Residence Across County Lines

27. New York v. United States, docket number 73-1371, ruling below U. S. D. C. Dist. Col. 1/10/74. Affirmed 10/21/74.

Voting Rights Act, Section 5 - Exemptions - Declaratory Judgments

28. New York v. United States, docket number 73-1740, ruling below U. S. D. C. Dist. Col. 5/20/74. Affirmed 10/21/74.

Voting Rights Act of 1965 - Discrimination



## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

29. Peters v. Clark, docket number 74-616, ruling below C.A. 5, 11/19/74.

Apportionment - Discrimination - County Commissioners

30. Philadelphia Housing Authority v. Alderman, docket number 73-2002, ruling below C.A. 3, 7/9/74. Certiorari denied 10/15/74.

Government personnel - Political activity - State agency employees

31. Rayner v. Chicago City Council, docket number 74-887, ruling below C.A. 7 9/9/74. Certiorari Denied 3/24/75.

Reapportionment of city wards - Racial gerrymandering

32. Rendon v. District of Columbia Board of Elections, docket number 74-560, ruling below D.C. Court of Appeals. Certiorari Denied, 1/21/75.

Candidates - Primary Election Ballots - Equal Protection

33. Richmond, Va. v. United States, docket number 74-201, ruling below U.S. D.C. Dist. Col. 8/29/74.

Voting Rights Act of 1965 - Discrimination - Annexations

34. Rosenthal v. Board of Education of Central High School District, docket number 74-977, ruling below U.S.D.C. E.D. N.Y. 11/8/74. Affirmed 3/24/75.

School Boards - Discrimination - "One man, one vote" principle

35. Scarrella v. Spannaus, docket number 74-318, U.S.D.C. Minn. 9/21/74.

Candidates - Removal of names from ballots - State judgeships

36. Smith v. Stewart, docket number 73-1632, ruling below Ill. App. Ct. 125 Dist. 10/12/73. Certiorari denied 10/15/74.

Election Contest - Fraud - Voting Irregularities

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

37. Staats v. American Civil Liberties Union, docket number 73-1413, ruling below, American Civil Liberties Union v. W. Pat Jennings, (D.D.C. 1974) 366 F. Supp. 1041. Review Granted 6/10/74.

Federal Election Campaign Act - Constitutionality - Freedom of Speech

38. Stacy v. Mahan, docket number 74-912, ruling below U.S.D.C. E.D. Va. 1/23/75.

Independent Candidates - Discrimination - Perfect nominations on death or withdrawal

39. Sununu v. Stark, docket number 74-885, ruling below U.S.D.C. N.H. Affirmed 3/3/75.

Candidates - Durational Residency Requirement - Seven Years

40. Virginia v. United States, docket number 74-481 U.S.D.C. Dist. Col. 11/5/74. Affirmed 1/27/75.

Voting Rights Act of 1965 - Coverage - Literacy Tests

The Supreme Court by summary order denied Virginia's request to be exempted from coverage of the Voting Rights Act of 1965

41. White v. Regester, docket number 73-1462, ruling below U.S. D.C. W. Tex. (1/28/74). Probable jurisdiction is noted 5/28/74. Argued 2/19/75.

Apportionment - Constitutionality of state legislative apportionment statute.

## JUDICIAL DECISIONS

### SUPREME COURT CASES

#### Political Parties - National Conventions - Selection of Delegates

Cousins v. Wigoda, \_\_\_\_ U.S. \_\_\_\_ (1975), docket number 73-1106,  
decided 1/15/75

This case involved the seating of delegates to the 1972 Democratic National Convention. In March, 1972 at the Illinois primary election, Chicago's Democratic voters elected 59 delegates ("Wigoda delegates") to the 1972 Convention. At the Convention the "Cousins delegates" challenged the seating of the Wigoda delegates before the Credentials Committee of the National Democratic Party on the ground that the state-making procedures under which the Wigoda delegates were selected violated Party guidelines. On June 30, 1972 the Credentials Committee found that the Wigoda delegates had been chosen in violation of the guidelines.

However, two days before the Convention opened, the Wigoda delegates obtained from the Circuit Court of Cook County, Illinois an injunction that enjoined the Cousins delegates from being delegates to the National Convention. However, the Convention adopted the Credentials Committee's recommendations and seated the Cousins delegates who took their seats and participated fully as delegates throughout the Convention. The Illinois Appellate Court affirmed the injunction, 14 Ill. App. 3d 460, 302 N.E. 2d 614 (1973). The Supreme Court granted certiorari to decide whether the Illinois Appellate Court was correct in according primacy to state law over the National Political Party's rules in the determination of the qualifications and eligibility of delegates to the Party's National Convention.

Upon consideration of the question, the Supreme Court reversed the Appellate Court and held that the Circuit Court erred in issuing an injunction that abridged the associational rights of the Cousins delegates and the Democratic Party's right to determine the composition of its National Convention in accordance with party standards. The Court asserted that the States themselves have no constitutionally mandated role in the great task of the selection of Presidential and Vice-Presidential candidates. If the qualifications and eligibility of delegates to National Political Party Conventions were left to state laws, each of the 50 states could establish the qualifications of its delegates to the various party conventions without regard to party policy, which would be an obviously intolerable result.

## JUDICIAL DECISIONS

### SUPREME COURT CASES CONT'D

Moreover, the Court noted: "...Illinois' interest in protecting the integrity of its electoral process cannot be deemed compelling in the context of the selection of delegates to the National Party Convention. Whatever the case of actions presenting claims that the party's delegate selection procedures are not exercised within the confines of the Constitution - and no such claims are made here - this is a case where '...the convention itself [was] the proper forum for determining intra-party disputes as to which delegates [should] be seated.' O'Brien v. Brown, 409 U.S. 1, 4 (1972)."

#### Reapportionment - State Legislature

Chapman v. Meier, \_\_\_\_ U.S. \_\_\_\_ (1975), docket number 73-1406, decided 1/27/75

This case involved the constitutionality of a federal-court-ordered apportionment of the North Dakota Legislature. A three-judge District Court held that the 1965 reapportionment plan failed to meet constitutional standards and approved another plan that called for five multi-member senatorial districts which contained a 20% population variance between the largest and smallest senatorial districts.

The Supreme Court reversed and remanded the case holding inter alia that, absent persuasive justification, a federal district court in ordering state legislative reapportionment should refrain from imposing multimember districts upon a State. The District Court failed to articulate a significant state interest supporting its departure from the general preference for single-member districts in court-ordered reapportionment plans. The Supreme Court noted that, unless the District Court can articulate such a "singular combination of unique factors" as was found to exist in Mahan v. Howell, 410 U.S. 315, 333, or unless the 1975 Legislative Assembly appropriately acts, the court should proceed expeditiously to reinstate single-member senate districts.

Moreover, it was held that a population deviation of such magnitude in a court-ordered reapportionment plan as the 20% variance involved in this case is constitutionally impermissible absent significant state policies or other acceptable considerations requiring its adoption. The burden is on the District Court to elucidate the reasons necessitating any departure from approximate population equality and to articulate clearly the relationship between the variance and the state policy furthered. According to the Court, the

## JUDICIAL DECISIONS

### SUPREME COURT CASES CONT'D

District Court's allowance of the 20% variance is not justified by the absence of "electorally victimized minorities," by the sparseness of North Dakota's population, by the division of the State caused by the Missouri River, or by the asserted state policy of observing geographical boundaries and existing political subdivisions, especially when it appears that other, less statistically offensive, reapportionment plans already devised are feasible.

#### Redistricting of Justice of the Peace Districts - Discrimination

Harris County Commissioners Court v. Moore, \_\_\_ U. S. \_\_\_ (1975),  
docket number 73-1475, decided 2/18/75

An action was brought to challenge a plan redistricting the justice of the peace precincts in Harris County, Texas. The plan provided for consolidation of several precincts, consequently three former justices of the peace and two former constables lost their jobs. These five officials, along with two voters from the defunct precincts, sought to enjoin implementation of the redistricting plan on the ground that the Texas statute providing for their removal from office at the time of redistricting denied them the equal protection of the laws. A three-judge District Court granted relief by declaring the statute unconstitutional and by enjoining the redistricting. The Supreme Court reversed and remanded the case to the District Court with instructions to dismiss the complaint without prejudice.

The Supreme Court found that the District Court should have abstained from hearing the case pending the determination of certain state law questions. The Court noted that, when a federal constitutional claim is premised on an unsettled question of state law, the federal court should stay its hand in order to provide the state courts an opportunity to settle the underlying state law question and thus avoid the possibility of unnecessarily deciding a constitutional question. (Railroad Commission v. Pullman Company, 312 U. S. 496 (1941)). Moreover, the Court noted that, not only the character of the federal right asserted in this case, but even the availability of the relief sought turn in large part on unsettled state law questions. Thus, because the federal claim in this case is "entangled in a skein of state law that must be untangled before the federal case can proceed," the District Court erred in not adopting appellants' suggestion to abstain. (McNeese v. Board of Education, 373 U. S. 668, 674 (1963)).

## JUDICIAL DECISIONS

### SUPREME COURT CASES CONT'D

#### Voting Rights Act of 1965 - Exemption from Coverage

Commonwealth of Virginia v. United States, \_\_\_\_ U.S. \_\_\_\_ (1974),  
docket number 74-481, decided 1/17/75

The Supreme Court by a summary order affirmed the judgment of the District Court for the District of Columbia which denied Virginia's request to be exempted from coverage of the Voting Rights of 1965.

Justice Rehnquist, along with Chief Justice Burger and Justice Powell, dissented, noting: "The question of whether Virginia should remain subject to the extensive consequences of continuing federal oversight under the Act, in a case where the conceded prima facie showing suggests the absence of any demonstrable need for such oversight warrants plenary consideration by this Court. This is especially true in view of the dubious relevance of the grounds relied upon by the District Court to overcome Virginia's prima facie showing."

In the lower court decision, the Commonwealth of Virginia sought a declaratory judgment to exempt it from coverage by the Voting Rights Act of 1965 (42 U.S.C. §1973). Section 4(a) of that Act forbids the application, in any jurisdiction covered by the section, of any literacy test or any other test or device as defined by the Act. (42 U.S.C. §1973b (a)).

Under the Voting Rights Act, in order to gain an exemption, a state or political subdivision "need no more than submit affidavits from voting officials, asserting that they have not been guilty of racial discrimination through the use of tests and devices during the past five years, and then refute whatever evidence to the contrary may be adduced by the Federal Government." South Carolina v. Katzenbach, 383 U.S. 301, 332 (1966). After examining the evidence, the three-judge court held that Virginia has not presented any evidence to show that its "dual educational systems had no appreciable discriminatory effect on the ability of persons of voting age to meet a literacy requirement." Gaston County v. United States, 395 U.S. 285, 291 (1969). Consequently the motion by the Commonwealth of Virginia for a summary judgment was denied, and a motion for summary judgment by the United States was granted.

## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

#### Assistance to Voters - Right to a Secret Ballot

Smith v. Dunn, 381 F. Supp. 822 (M.D. Tenn. 1974)

A suit was brought by blind persons to enjoin the operation and enforcement of a statute which prescribes that voters under disability of blindness who request assistance must, absent being accompanied to polls by one of designated relatives, choose an election judge to mark the voter's ballot in the presence of a second election judge or official. A three-judge district court held that the statute was not invalid as an infringement on the right to a secret ballot or as a denial of the right to participate on a non-discriminatory basis with other voters. Id., 826.

According to the Court: "Unless a state provides means to enable the blind to accomplish the mechanical steps of voting for themselves, and such an obligation on the part of the state is not asserted here, some form of assistance must be offered less the blind be deprived of voting altogether. Tennessee has an obvious and legitimate concern with the manner in which the blind are assisted in marking their ballots at elections."

"The State's goal is to preserve the integrity of the election process, and, along with the Tennessee legislature, we have no doubt that loosely supervised voter assistance can open the door to fraudulent voting practices. Whether the potential for voting fraud is sufficiently great to demand the restrictions challenged here is a legislative, not judicial function. Grounds can certainly be conceived to justify the State's fears in this regard, and we are unable to conclude that the statute in question is not related to the State's goal of election integrity." Id., 826.

## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

Campaign Financing - Corporate Contributions, 18 U.S.C. §610

Miller v. American Telephone and Telegraph Company, 507 F. 2d 759 (C.A. 3, 11/4/74)

In this case stockholders of American Telephone and Telegraph Company (AT&T) brought a stockholders' derivative action against the corporation for, inter alia, preliminary and permanent injunctive relief against providing further telephone service by the corporation to the Democratic National Committee (DNC) until the debt owed by the committee for communications services was paid. The United States District Court for the Eastern District of Pennsylvania (364 F. Supp. 648), dismissed for failure to state a claim and the stockholders appealed. The Court of Appeals reversed and remanded holding that the complaint in which it was alleged that decision not to collect debt was violative of the federal prohibition against corporate campaign spending (18 U.S.C. §610) was sufficient to state a claim under New York law for breach of directors' fiduciary duty.

The Court of Appeals noted that: "The alleged violation of the federal prohibition against corporate political contributions not only involves the corporation in criminal activity but similarly contravenes a policy of Congress clearly enunciated in 18 U.S.C. §610. That statute and its predecessor reflect congressional efforts: (1) to destroy the influence of corporations over elections through financial contributions and (2) to check the practice of using corporate funds to benefit political parties without the consent of the stockholders. United States v. CIO, 335 U.S. 106, 113, 68 S. Ct. 1349, 92 L. Ed. 1849 (1948)."

The Court noted that, in proving such a contribution, the stockholders will be required to establish that AT&T did in fact make a gift to the DNC of the value of the communications services provided to the 1968 Democratic convention; they must also establish that the contribution was in connection with a federal election; and they must also convince the factfinder that the gift, whenever made, was made for the purpose of aiding one candidate or party in a federal election. Id., 764.



## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

#### Candidates - Removal of Names from Ballots - Voting Rights Act

Gangemi v. Sclafani, 506 F.2d 570 (C.A. 2, 10/29/74)

An action was brought by plaintiffs for injunctive relief precluding the board of elections from removing their names from the ballot and for a temporary restraining order. The United States District Court for the Eastern District of New York denied relief and the plaintiffs appealed. The Second Circuit Court of Appeals affirmed holding that the trial court properly addressed the federal issues which had not been raised in the state court proceeding as the state court's calendar precluded reargument prior to election, and that the state court's ordering plaintiffs' names removed from ballot as candidates for membership on a political party's state and county committees, due to their improper filing of petitions designating them as candidates for membership on the county committee in more than one election district, was not improper.

The appellants contended that their removal from the ballot would violate their due process and equal protection rights under the fourteenth amendment of the Constitution and would contravene section 5 of the Voting Rights Act of 1965, 42 U.S.C. §1973c. The Court of Appeals held that the Voting Rights Act did not preclude the removal of the plaintiffs' names from the ballot as candidates for membership on the political party's county committees or on the state committee because of the plaintiffs' conduct in improperly filing petitions designating them as candidates for membership on the county committee in more than one election district.

#### Government Employees - Political Activities - Little Hatch Act

Mining v. Wheeler, 378 F. Supp. 1115 (D.W.D. Mo., 4/3/74)

Plaintiffs, several firefighters, and their local union, sought to void certain provisions of the Kansas City Chapter and the City's Personnel Rules which regulate the political activities of city employees on the grounds that they violate the First, Ninth, and Fourteenth Amendments of the United States Constitution. The District Court held that where the "Little Hatch Act" provision contained apparently broad language which had not been limited in any way by regulation, administrative interpretation or state court decision, and the record disclosed no attempt to obtain such clarification, and where there were possibilities of reasonable construction which would

## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

limit the broad language attacked, the district court would abstain from acting upon the complaint insofar as it asserted unconstitutional limitation or prohibition upon political activities. The Court states that it lacked jurisdiction to authoritatively construe these provisions since this power lies exclusively with the state. The complaint was dismissed without prejudice to further appropriate proceedings in state court .

The Court noted that Federal, state, and local governments have the right to place even-handed restrictions on partisan political conduct of their employees, inasmuch as such restrictions serve a valid and important state interest, but power must be exercised within reasonable limits; i. e., regulation must be related to government interests which support legislative intrusion into what otherwise would be freedom of the civil servant under the First, Ninth, and Tenth Amendments. Id., 1121-1122.

#### Political Parties - Delegates to National Conventions

Ripon Society, Inc. v. National Republican Party, \_\_\_ F.2d \_\_\_ (C.A. D.C. 3/5/75, Civil Action No. 2238-71)

The Ripon Society, which is an organization associated with the National Republican Party, and others challenged the formula for apportionment of delegates to the 1976 Republican National Convention. The challenge was primarily concerned with that part of the formula which involved 607 delegates, representing 27% of the total of approximately 2,242 delegates to the 1976 Convention, which are apportioned on the basis of a Republican victory in the 1972 Presidential election and on the basis of Republican victories in the 1972 and 1974 senatorial, gubernatorial, and congressional elections.

The District Court found that the use of uniform victory bonuses was improper and enjoined their use in the apportionment delegates to the 1976 Convention. The District of Columbia Court of Appeals affirmed that order, further holding that the use of proportional victory bonuses is illegal, and remanded the cause with instructions to enjoin the use of such victory bonuses in the apportionment of delegates to the 1976 Republican Convention.

The Court of Appeals noted that a political party may deviate from the one person-one vote standard and apportion delegates on the

## JUDICIAL DECISIONS

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basis of the electoral college strength of a state and not on the total population of the state alone. The maximum deviation among the states between the number of 1972 Republican votes or the amount of total population represented by each electoral college vote is 4.4 to 1. The deviations of the formula apportion plan, the Court found, were substantially in excess of the 4.4 to 1 figure and were not de minimus deviations from the one person-one vote standard.

The Court of Appeals noted:

"The one person-one vote standard is simply the starting line which all interest groups must toe. So viewed, the one person-one vote standard is implicit in the concept of a democracy, as necessary to representative government as the concept that individuals may not be disenfranchised because of their social or economic views and as such a constitutional principle of the highest order.

With this understanding of the one person-one vote standard, the invalidity of a victory bonus scheme either as an approximation of party strength or as an ideological commitment to state sovereignty becomes apparent. In either case, the victory bonus operates to entrench the prevailing powers of the Republican Party through a territorial discrimination that weights the votes of some actual and potential Republicans more than others."

In addressing the issue of justiciability and intervention by the Courts into the election process, the Court stated:

"...that courts may intervene into the affairs of major, national political parties to insure that delegates to their conventions are apportioned fairly, on the basis of the one person-one vote standard.... This limited judicial intervention is no less manageable than judicial intervention into apportionment at the general election. Since the holding is that the principle underlying the one person-one vote standard is not a subject matter for party ideology, there is no judicial involvement in party ideology. This judicial intervention protects only the process of political choice not the results. Whether the process has any effect on the results is an interesting but to us irrelevant question. We would reach a similar result even if the one person-one vote standard changed nothing."

## JUDICIAL DECISIONS

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This limited intervention to insure equal participation is consonant with the institutional structure of the First Amendment and, indeed, forwards its underlying purposes. The right to an equal vote, the principle enunciated in the reapportionment decisions and which we apply here, is itself rooted in the First Amendment or, put another way, the First Amendment is designed to make the right to vote effective and to permit its intelligent exercise."

#### Political Parties - Delegates to State Convention

Redfearn v. Delaware Republican State Committee, 502 F.2d 1123 (C.A. 3, 7/29/74).

Registered voters of a political party brought an action for relief from alleged dilution of their voting rights in the party primary elections for nominees for state-wide office. The United States District Court for the District of Delaware (362 F. Supp. 65), adjudged that internal rules of the political party pertaining to allocation of delegates in the party's state convention denied equal protection and enjoined operation of the party's internal rules. On appeal, the Third Circuit Court of Appeals held that the injunction intruded upon the political party's freedom of association and, therefore, was improper absent the consideration of the alternative of requiring the state to withdraw from its intrusion into a party organization. The case was reversed and remanded.

The Court of Appeals stated: "If a given party chooses to organize by districts, but to allocate delegate strength to a district in which it has fewer numbers but a greater opportunity to achieve the practical advancement of the political ideas for the pursuit of which the association was formed, state action which frustrates that choice is highly suspect. Yet the effect of the district court's ruling is that the Delaware statutes under attack have been construed to prohibit that choice. The statute under which the state intrudes its action into the party continues to operate, but at the expense of the freedom of association of the party." *Id.*, 1127-28.

## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

#### Political Parties - Use of Similar Party Names

Riddell v. National Democratic Party, 508 F.2d 770 (C.A. 5, 1975)

The regular faction of the Mississippi Democratic Party brought a suit against the loyalist faction seeking inter alia to enjoin the loyalists from using the name "Democratic Party" in the state. The District Court held that the regulars had a valid claim to the exclusive use of the term "Democratic Party." 344 F. Supp. 908.

The Fifth Circuit Court of Appeals, in reversing and remanding the case, held that while the avoidance of voter confusion is a worthwhile objective, and possibly even fundamental and compelling if the means chosen are sufficiently precise and narrow, Mississippi's party registration statute, prohibiting a political party from using or registering "any name or part thereof" which has already been registered with the Secretary of State by another political party, was both unnecessarily broad as well as arguably ineffective. And the State's attempt to deprive the Loyalists of the opportunity to describe themselves on the ballot as part of the Democratic party was unconstitutional and an impermissible restraint on the Loyalist's constitutional guarantee of free association.

#### Reapportionment - Parish Police Jury and School Board - One-Man, One-Vote Rule

Bradas v. Rapides Parish Police Jury, 508 F.2d 1109 (C.A. 5, 1975)

An action was brought challenging the reapportionment plan for a Louisiana parish police jury and school board on the grounds that it violated the one-man, one-vote rule and resulted in the dilution of the black vote in contravention of the Fifteenth Amendment. The District Court nullified the plan, adopted a new plan, and an appeal was made by the parish. 376 F. Supp. 690 (W.D. La. 1974).

On appeal, however, the Fifth Circuit Court of Appeals found that the original plan (Le Blanc Plan) was not unconstitutional. The Court held that under that plan Blacks did not have difficulty in registering to vote, participating in political party activities, and qualifying as candidates for desired offices. It was also held that

## JUDICIAL DECISIONS

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there was not a state policy favoring multimember districts that was rooted in racial discrimination and that there was not a lack of responsiveness by elected officials to the particular concerns of the Black community.

Accordingly, the District Court judgment was vacated and remanded to the District Court with directions to reinstate the Le Blanc Plan prior to the next scheduled election for police jury and school board.

#### Redistricting - County Commissioner - At-Large System

Reese v. Dallas County, Alabama, 505 F. 2d 879 (C.A. 5, 12/30/74)

A suit was brought challenging the constitutionality of the districting plan for elections to the County Commission of Dallas County, Alabama on the ground that the county's at-large system, which requires candidates to be residents of certain districts that are not equally populated, violates the equal protection clause of the Fourteenth Amendment. The United States District Court for the Southern District of Alabama entered a summary judgment against the plaintiffs, and they appealed.

The Fifth Circuit Court of Appeals reversed and remanded the case, holding that the at-large system, which requires that candidates be residents of certain districts that are not equally populated, denies fair and effective representation in violation of the Fourteenth Amendment. The Court found that the one-man, one-vote principle is violated when some votes carry more weight than others and that dilution minimizes the impact of one group's votes, even though they are equal in weight to nondiluted votes. As the court stated:

"Because of the explicit, numerical disparity created by the residency requirement, the injury this plan inflicts on Selma voters is apparent on its face. The citizens of Selma are forbidden to elect resident commissioners in proportion to their numbers. They must select candidates who reside not in their sub-district but who reside in the rural subdistricts to represent

## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

Selma's interests. It is to be expected that commissioners who are elected from rural subdistricts will give greater priority to needs of the subdistricts in which they reside than to the interests of the City of Selma. Unlike the residents of Selma, the other voters in Dallas County can choose their proportional share of the representative body from among rural candidates who, by reason of their residence in rural areas, can be expected to share their interests." *Id.*, at 883.

## JUDICIAL DECISIONS

### STATE COURT CASES

#### Advertising and Solicitation - Campaign Newsletter - Prior Re- straint

Wilson v. Superior Court, Calif. State Supreme Court, L A. 30316,  
decided March 4, 1975

This case involved the publication of a newsletter in 1974 containing reprints of newspaper stories by the petitioner, involving his opponent's indictment and trial for bribery but not disclosing that his opponent had been acquitted and that the trial took place in 1967. At issue was whether a court may constitutionally enjoin the publication of allegedly misleading and libelous statements made by a candidate for political office about his opponent. The State Supreme Court held that the trial court had erred in granting a preliminary injunction that restricted publication of a campaign newsletter.

The Court observed that in accordance with Near v. Minnesota, 283 U.S. 697 (1931) it has been consistently held that any prior restraint on expression bears a heavy presumption against its constitutional validity. The Court rejected the contention that even if the newsletter was protected speech, it presented a clear and present danger, since the circulation of misleading charges against a political candidate interferes with the democratic voting process. The Court observed that if the publication of the Pentagon Papers did not warrant prior restraint, the circulation of allegedly misleading campaign charges did not present a danger of significant magnitude.

#### Ballots - Furnishing

Roseville Board of Election Commissioners v. Roseville City Clerk,  
220 N. W. 2d 181, 53 Mich. App. 477 (1974)

It was held that the Board of Election Commissioners, and not the city clerk, had the duty to prepare, print, and deliver the ballots to be used in an election.



## JUDICIAL DECISIONS

### STATE COURT CASES CONT'D

#### Campaign Financing - Expenditure Limitations and Restrictions - Constitutionality

Deras v. Myers, Circuit Court of Oregon for the County of Multnomah, 404-407, decided 10/11/74

A candidate for the State Legislature brought suit challenging the constitutionality of Section 260.027 of the Oregon Revised Statutes (limitation on expenditures relating to candidates) and Section 260.154 (restriction on expenditures relating to candidates) as being violative of the First and Fourteenth Amendments of the United States Constitution and Sections 1, 8, and 20 of Article I of the Constitution of Oregon. Essentially the Plaintiff argued that these statutes infringe upon his protected freedom to speak, write, and print and that they deny him equal protection of law. The Court upheld the constitutionality of Section 260.027 relating to limitation on campaign expenditures but found Section 260.154 unconstitutional which restricted expenditures of candidates.

The Court found that "...limitations upon campaign spending, while incidentally infringing upon a candidate's right to write and print freely, are not directed to the suppression of such rights, and, if reasonable, such limitations are not greater than essential to further legitimate, compelling, even necessary, governmental purposes. The spending limitations provided in Oregon Revised Statutes, Section 260.027 were fixed by legislators with personal campaign experience. Their judgment that the limitations are reasonable is presumptively correct. In the course of this preceeding no evidence was offered by the plaintiff to overcome such presumption."

However, Section 260.154 (restriction on expenditures) grants to the candidates or his treasurer the unfettered power to preclude others from writing or printing, which would involve a system of prior restraints of expression and would violate the Plaintiffs' constitutional rights of free expression and impermissibly restrict his right to write and print freely.

## JUDICIAL DECISIONS

### STATE COURT CASES CONT'D

#### Candidates - Arrangement of Names on Ballots

Roof v. Board of Commissioners of Hardin County, 314 N. E. 2d 172, 39 Ohio St. 2d 130 (1974)

The Court held that in accordance with Article 5, §2a of the Ohio Constitution, "perfect rotation" is the rotation of the names of candidates for each office in such a manner that every name will be seen by an equal number of voters at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs. The General Assembly or election officials are not free to implement any system of voting machine rotation which they deem proper. The only permissible system of rotation is one which, within reasonable limits of expense, mechanical effort and practicality of operation, most closely approximates perfect rotation.

#### Candidates - Independent - Nominating Petitions

Danciu v. Glisson, 302 So. 2d 131 (Sup. Ct. Fla. 1974)

An action was brought challenging the constitutionality of a statute which requires an independent candidate for state-wide office to submit and have certified upon petitions the signatures of 5% of the total registered voters of Florida as of the last general election or 174,373 signatures.

The Supreme Court of Florida held that filing affidavits of inability to pay rendered contention as to costs of certification moot, that the requirement of signatures of 5% was arbitrary, and that the plaintiff needed only submit signatures of 3%, as was required of minor party candidates. The other provisions of the statute were found to be constitutional.

## JUDICIAL DECISIONS

### STATE COURT CASES CONT'D

#### Candidates - Late Filing of Expenditure Reports

Rogers v. State Election Board, Sup. Ct. of Okla., No. 47,998,  
decided 12/16/74

The Supreme Court of Oklahoma held that a candidate cannot be disqualified from assuming elected office for violating the state's campaign expenditures act unless actually convicted of violating it. The Court relied upon the decision of State, ex rel. Attorney General v. Freeman, 440 P. 2d 744, 753 (Okla. Sup. Ct. 1968) which held that a person could not be disqualified from holding an office until that person is convicted of the charge (violation of an oath).

The Court noted: "By reason of the express provision of the statute requiring a conviction of the campaign expenditures act before forfeiture, this Court is without judicial power to declare that Ms. Helm has forfeited her right to the office or that a certificate of election should be issued to Petitioner.

In essence, the strength of the campaign laws in this State depends upon reasonable laws being passed by the Legislature and enforcement of those laws by the prosecutors. Our three branch system of government does not permit the courts to fill the chasm left by either the laws as passed, or the failure by prosecutorial authorities to enforce those laws."

#### Criminal Offenders - Absentee Voters

White v. Edgar, 320 A. 2d 668 (Sup. Jud. Ct. of Me. 5/7/74)

The Supreme Judicial Court held that the Maine statute providing that a person serving a sentence in a jail or penal institution is not an absentee voter does not preclude such person from qualification as an "elector" and is thus not inconsistent with the Maine constitutional provision establishing qualifications of electors. In the state constitutional provision that the legislature shall authorize and provide for voting by citizens "absent or physically incapacitated for reasons deemed sufficient," modifies "absent" as well as "physically incapacitated", thus, the state statute concerning persons serving sentences in a jail or penal institution is not inconsistent with the constitutional provision for absence voting.

## JUDICIAL DECISIONS

### STATE COURT CASES CONT'D

The Court noted that, in its evaluation of the variety of ramifications in the range of details by which the authorization of absentee voting is to be made operative, the Legislature has concluded that "serving a sentence in a jail or penal institution", as a reason for a citizen's "absence" from the municipality during the time the polls are open on election day, is an insufficient reason to afford the citizen the benefit of absentee voting and does not, therefore, produce a transgression of Article II, Section 4 of the Constitution of Maine.

#### Financial Disclosure - Governmental Ethics Act

People Ex Rel. Downs v. Adams, 59 Ill. 2d 178 (11/18/74)

The Illinois Supreme Court held that candidates for office who filed statements of economic interest with their nomination papers complied with the Governmental Ethics Act. According to the Court, the Governmental Ethics Act requires a candidate for elective office to file a statement of economic interests "before or at the time he takes the action necessary under the laws of this State to attempt to qualify for nomination, election, or retention to such office," and candidates who filed such statements at the time their nomination papers were filed complied with the law and were not required to file another such statement after their nomination.

#### Qualifications to Vote - Pre-trial Detainees

Arlee v. Lucas, 222 N. W. 2d 233 (Ct. of Appeals of Michigan 1974)

Pre-trial detainees brought a class action for mandamus alleging that they were unconstitutionally denied the right to vote in the November, 1972 general election. The lower court denied the writ of mandamus and the plaintiffs appealed. The Court of Appeals reversed, holding that the statutory scheme whereby pre-trial detainees were precluded from exercising their right of franchise was unconstitutional on equal protection grounds.

The Court noted that "...since we are here concerned with pre-trial detainees, we are impressed with the argument that they are denied their right to vote because of their inability to make bail. Clearly a right as fundamental as that of voting cannot and must not be prohibited in such a manner as will give rise to a situation whereby wealth will be a substantial factor in determining who shall have the right to vote." Id., 236

## JUDICIAL DECISIONS

### STATE COURT CASES CONT'D

#### Recount - Opening of Ballot Boxes

Giacobello v. Board of Borough of Mount Union, Huntingdon County,  
322 A. 2d 429 (Commonwealth Ct. of Pa. 1974).

It was held that a ballot box could not be opened for a recount where a petition for a recount was duly verified by only one qualified elector and where the statute (Purdon's Pennsylvania Statutes, Title 25, §§3261 and 3261a) provides for the opening of the ballot boxes only if three qualified electors of the election district file a duly verified petition alleging they believe that fraud or error was committed in the computation of the votes.

## SECTION IV - OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### FLORIDA

##### Campaign Financing - Statement of Contributions Received - issued 6/12/74

States that under §111.011, F.S. ("Statements of Contributions Received by Elected Public Officials"), an elected public officer must report all gratuitous hotel or room accommodations furnished to such officer, or to any person on his or her behalf, where the value of such items is in excess of \$25.

##### Campaign Financing - Statement of Contributions Received - issued 12/20/74

States that under §111.011, F.S. ("Statements of Contributions Received by Elected Public Officials"), no report is required to be made by an elected public officer of payments to "a dinner, barbecue, fish fry, or other such event" - including a Christmas or birthday party held in honor of such officer - except for payments to such events which exceed \$25. Suggests that, unless and until further clarified by the Legislature, any gift to an elected public official of a value in excess of \$25 - unless within one of the specific exceptions listed above - be reported as a contribution under §111.011, irrespective of whether such gift is made by a single donor or several donors, each of whom donated an amount less than \$25.

##### Candidates - Calculating Qualifying Fee of County Officials - issued 6/24/74

States that the "annual salary" for fiscal year 1974-75 of a county office for the purpose of computing the qualification fee and committee assessment is the statutory salary prescribed by Chapter 145, F.S., for the fiscal year beginning 10/1/74 - i.e., the base rate plus the population increment based on the Department of Administration's annual determination of population - before it is "adjusted" to reflect any change in the cost-of-living index from the preceding 1973-74 fiscal year.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### FLORIDA CONT'D

##### Corrupt Practices Act - Applicability of Phrase "His Nomination in Any Election" - issued 10/14/74

States that the phrase, "to aid or promote his nomination in any election," contained in §104.071(1), F.S. ("Remuneration by candidate for services, support, etc.; penalty."), does not limit its application to primary elections; so the section is applicable to all elections, state or local, provided by law, including nonpartisan municipal elections.

##### County Government - Reapportionment of Commissioners' Districts - issued 11/21/74

States that there shall be a mandatory redistricting of county commission districts after each decennial census. If county commissioners decide after a de novo inquiry that the current districts are as nearly equal as practicable and no change is necessary, such a plan must be formally approved by the Commission and the minutes of the meeting forwarded to the Secretary of State.

##### Elections - Definition of "General Election" - issued 12/20/74

States that for purposes of §106.07(5), F.S. ("Reports; certification and filing."), the general election is "the last election in a given election year in which a candidate...participates," where the candidate is nominated at the first or second primary and is unopposed in the general election. A candidate who has been nominated may receive contributions subsequent to his or her nomination "whether or not the candidate has opposition."

##### Qualifying Fees - Return to Candidate Whose Name is Removed from Primary Election Ballot - issued 10/31/74

States that the Secretary of State is without authority to refund qualifying fees to a candidate unless he withdraws his candidacy before the last day to qualify.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### FLORIDA CONT'D

##### Recall Elections - Political Advertisements by Groups, Clubs, Associations, Etc. - issued 12/9/74

States that the provisions of §§104.37(5) and 104.373, F.S. ("Political advertisements circulated prior to election; requirements."; "Endorsements by certain groups and organizations."), apply to political advertisements by a group, club, association or other organization (except organizations affiliated with political parties regulated by Chapter 103, F.S.) for the purpose of endorsing or opposing the recall of a municipal or charter county officer.

##### Voter Registration - Information Required - Issued 10/31/74

States that a registration officer should not register as an elector a person who refuses to provide the registration officer with his or her birth date.

##### Voter Registration - "True Name" - issued 11/13/74

States that in registering as an elector an individual must be identified by his or her "true name," i.e., one's given name and family surname.



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